



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 105<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 144

WASHINGTON, TUESDAY, APRIL 28, 1998

No. 49

## House of Representatives

The House met at 12:30 p.m.

### MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 21, 1997 the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders and minority whip limited to not to exceed 5 minutes.

### SPEAKER TROUBLED BY PARTISAN BEHAVIOR DURING CAMPAIGN FINANCE INVESTIGATION

The SPEAKER pro tempore (Ms. PRYCE of Ohio). Under the Speaker's announced policy of January 21, 1997, the gentleman from Georgia (Mr. GINGRICH) is recognized during morning hour debates for 5 minutes.

Mr. GINGRICH. Madam Speaker, I rise with concern and sadness to report to the House on a letter I am sending the gentleman from Indiana (Mr. BURTON), Chairman of the Committee on Government Reform and Oversight, today. I want to read the letter and then I want to explain why I am sending it and the background of sending it.

"Dear Chairman BURTON: I was deeply troubled by the partisan Democrat behavior shown last week during the vote on granting immunity, to which even the Justice Department is not opposed, to four key witnesses in your campaign finance investigation.

"This is the exact opposite of previous congressional investigations, in which Republican Members worked in a diligent and bipartisan manner with Democrats to uncover the truth. According to David Dorsen, the assistant chief counsel of the Senate Watergate Committee, the 'Watergate Committee

voted consistently and unanimously for immunity.' In fact, even during Iran-Contra the Congressional investigative committees voted unanimously to grant a limited form of immunity to Oliver North, John Poindexter and Albert Hakim. There is no logical reason for the Democrats' stonewalling and sharply partisan actions. Again, even the Department of Justice has clearly stated in writing that they have 'no opposition to the committee granting immunity.'

"The Democrats' efforts to block immunity, despite their own administration's willingness to accept it, cannot withstand the public's demand for the truth. For this reason, I encourage you to vote again on the immunity issue. It is obvious that these four witnesses would provide a great deal of clarification and a better understanding of the illegal campaign finance irregularities that took place in the 1996 election cycle.

"The American people have a right to know exactly what happened during the last election cycle. The very foundations of a democracy are a well-informed populace with the right to know the truth and a rule of law ensuring that all are equal in the eyes of justice. Therefore, at this time I strongly urge you to hold a second vote on granting immunity to the four key witnesses who were denied it last week."

My hope is that by next week the Committee on Government Reform and Oversight could vote. I urge every Democrat who voted no, and it was 19-0, 19 against immunity, to reconsider their vote.

I want to report to the House. Here is what the vote was about. The Department of Justice had cleared, for the purposes of giving testimony, three witnesses, and had cleared for the purposes of testimony in an executive session a fourth witness. Let me report to the House who they are:

Irene Wu, Johnny Chung's office manager and primary assistant at

Automated Intelligent Systems, already immunized by the Department of Justice, testified before a grand jury. Instrumental in better understanding Chung's relationships with foreign nationals with whom he attended political fund-raising events, formed corporations, and from whom he received money.

Nancy Lee, an engineer at Automated Intelligent Systems, Inc. Witnesses say Lee solicited contributions to Clinton/Gore '96 from her colleagues and then reimbursed them. That is, of course, illegal. Already immunized by the Department of Justice; testified before a grand jury.

Larry Wong, close friend of Nora and Gene Lum. Believed to have relevant information regarding conduit contributions, that is, contributions that were not really from the person who made them technically, but they came from somebody else, in this case probably foreign money, made by the Lums and others.

And then under a special arrangement, Kent La, president and registered agent of Loh Sun International. Believed to have direct knowledge of Ted Sioeng's activities. At a minimum, La and Sioeng traveled, attended social functions and at least one fund-raiser, and transacted business together. The Department of Justice does not oppose granting congressional immunity with the understanding that the committee will only depose La in executive session at this time.

I am submitting for the RECORD the letters from the Department of Justice, all of them saying, and I would just read one of them because they are repetitive:

"Dear Mr. BENNETT: I am writing in response to your letter of April 7, 1998, requesting the Department of Justice's position on the granting of immunity to Irene Wu. The Department of Justice has no opposition to the Committee granting immunity to Ms. Wu. We

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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appreciate greatly your coordinating with us in this matter."

Madam Speaker, the letters referred to are as follows:

U.S. DEPARTMENT OF JUSTICE,  
CRIMINAL DIVISION,  
Washington, DC, April 16, 1998.

Mr. RICHARD D. BENNETT,  
Chief Counsel, Committee on Government Reform and Oversight, Rayburn House Office Building, Washington, DC.

DEAR MR. BENNETT: I am writing in response to your letter of April 7, 1998, requesting the Department of Justice's position on the granting of immunity to Irena Wu. The Department of Justice has no opposition to the Committee granting immunity to Ms. Wu. We appreciate greatly your coordinating with us on this matter.

Sincerely,

MARK M. RICHARD,  
Acting Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE,  
CRIMINAL DIVISION,  
Washington, DC, April 16, 1998.

Mr. RICHARD D. BENNETT,  
Chief Counsel, Committee on Government Reform and Oversight, Rayburn House Office Building, Washington, DC.

DEAR MR. BENNETT: I am writing in response to your letter of April 7, 1998, requesting the Department of Justice's position on the granting of immunity to Nancy Lee. The Department of Justice has no opposition to the Committee granting immunity to Ms. Lee. We appreciate greatly your coordinating with us on this matter.

Sincerely,

MARK M. RICHARD,  
Acting Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE,  
CRIMINAL DIVISION,  
Washington, DC, April 16, 1998.

Mr. RICHARD D. BENNETT,  
Chief Counsel, Committee on Government Reform and Oversight, Rayburn House Office Building, Washington, DC.

DEAR MR. BENNETT: I am writing in response to your letter of April 7, 1998, requesting the Department of Justice's position on the granting of immunity to Larry Wong. The Department of Justice has no opposition to the Committee granting immunity to Mr. Wong. We appreciate greatly your coordinating with us on this matter.

Sincerely,

MARK M. RICHARD,  
Acting Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE,  
CRIMINAL DIVISION,  
Washington, DC, April 22, 1998.

Hon. DAN BURTON,  
Chairman, Committee on Government Reform and Oversight, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your letter of April 7, 1998 requesting the Department of Justice's position on the Committee on Government Reform and Oversight granting immunity to Kent La. As you know, we have met with Dick Bennett, Kenneth Ballen and other members of the Majority and Minority staff in an attempt to accommodate the Committee's desire to obtain Mr. La's testimony and our desire that any action by the Committee not compromise the Department's ongoing criminal investigation. In our view, if Mr. La were to testify publicly at this time, the Department's criminal investigation could in fact be compromised. Even if Mr. La were to testify in a closed session, any disclosure or leak of that testimony, whether intentional or inadvertent, could seriously compromise

the investigation and any subsequent prosecutions, under the rulings of *Kastigar*, *North*, *Poindexter* and related cases.

During our discussions with the Committee staff, most recently on April 20, 1998, we tried to convey to you that our preference would be to avoid any Committee action to immunize him. Because of your strong interest in securing his information at this time, we nevertheless indicated our willingness not to oppose a grant of immunity to Mr. La under certain conditions. The Department of Justice, therefore, is willing to withdraw its objection to the Committee granting immunity to Mr. La if, and only if, it agrees to adhere strictly to the following conditions in examining Mr. La. Based on our discussions with Committee staff, we understand that these conditions are acceptable to the Committee. The conditions that the Committee agrees to follow in return for the Department of Justice withdrawing its objection to the Committee granting immunity to Mr. La are:

1. The Committee will take Mr. La's deposition in a closed executive session attended only by Mr. La, his counsel, one staff member from the Majority, one staff member from the Minority, and a court reporter.

2. The reporter will make only two copies of the deposition transcript.

3. The Committee staff who took the deposition will be provided one copy of the deposition transcript and will maintain that copy at a mutually acceptable secure location under conditions that assure that only authorized persons may have access to the transcript and that no copies of the transcript may be made. The only persons authorized to have access to the transcript are Members of the Committee, the two staff members who took the deposition, and the majority and minority chief counsel, if they are not the same persons who took the deposition. [The persons described in the preceding sentence are hereinafter referred to as "the authorized persons."]

4. The authorized persons may not copy the transcript, but may take notes, as long as they maintain the notes at the same location and under the same conditions as the transcript is maintained. The authorized persons may discuss the transcript with any other authorized persons, but may not discuss any aspect of the substance of the transcript with any other person, including Committee staff, other Members of Congress, or the public until such time as the Justice Department states that it has no objection to public disclosure of the testimony because release of the transcript or its contents would not compromise the criminal investigation.

5. The second copy of the transcript will be provided to a designated attorney within the Department of Justice, but who is not assigned to the Campaign Financing Task Force, who will review the transcript to determine if public release of the testimony could compromise the Department's ongoing criminal investigations. The designated attorney will maintain the transcript in a secure location. No Department of Justice employee other than the designated attorney will be permitted to review the transcript.

6. The Committee will not present Mr. La's public testimony until and unless the Department of Justice attorney has made the determination, discussed in No. 5, above, that public disclosure of the transcript or its contents would not compromise the investigation.

7. The designated attorney will meet with attorneys and investigators conducting the criminal investigation as necessary in order to obtain the facts needed to evaluate the transcript. The designated attorney will not discuss the transcript or its contents with

any other employee of the Justice Department, or any person other than the two staff members who took Mr. La's deposition or the majority and minority chief counsel, until and unless the designated attorney has made the determination discussed in No. 5, above.

We recognize that under 18 U.S.C. 6005, the Committee has the statutory authority to vote to grant immunity to a witness regardless of the position of the Justice Department. We believe, however, that the terms and conditions set forth above will satisfy the Committee's needs while hopefully protecting the Justice Department's interest in conducting thorough investigations and prosecutions that are not subject to Kastigar hearings or related challenges. The Department has determined that if the Committee were to grant Mr. La immunity under 18 U.S.C. 6005 at this time and absent the restrictions outlined above, it would clearly compromise the Department's ongoing criminal investigation and make it more difficult to obtain convictions of any person(s) who might eventually be charged with a crime.

Sincerely yours,

MARK M. RICHARD,  
Acting Assistant Attorney General.

So what happened is this: The chairman of the committee and his staff worked very closely with the Clinton Administration Justice Department. They actually got the Justice Department to sign off on granting immunity. Everything was done exactly appropriately. In that setting, at a time when the American people could have learned the truth from eyewitnesses who participated in laundering foreign illegal money, a threat to the entire fabric of our political system, for some reason the Democrats voted 19-0 against allowing immunity. That means they voted 19-0 to cover up this testimony, to block it from getting to the American people, and to prevent the Congress from being informed.

Now, I think there are two principles that we ought to live by. One is that the American people have the right to know when the law has been broken. Period. I cannot imagine why any Member of this House would want to block the American people from having the right to know that the law has been broken and who broke it and under what circumstances.

And when the people breaking the law are foreign nationals trying to corrupt the United States by bringing in foreign money, in some cases in a deliberate effort in collusion with billionaires in Asia, we have every reason as a national security matter to protect our political system from this kind of illegal foreign money.

In addition, the American people have the right to expect that the rule of law will prevail, that no one is above the law.

One of the things that the Committee on Government Reform and Oversight is working on is the fact that Webster Hubbell, former number two person in the Justice Department, one of the most powerful men in terms of the justice system in the United States in the government, Webster Hubbell received

more than \$700,000, and I want to commend the committee because the committee has discovered he received at least \$200,000 more than was previously indicated, after he resigned as Associate Attorney General on March 4, 1994.

Most of the money came from friends of President Clinton and Democratic Party supporters and was coordinated by people such as then U.S. Trade Representative Mickey Kantor, Vernon Jordan, James Riady, the Indonesian who is also implicated in illegal foreign money. By the way, Indonesia is one of the countries involved in the International Monetary Fund bailing out the government which directly involves the Riadys' economic interests and the Lippo Group, which is the conglomerate owned by the Riadys which has large interests across Asia, including in Communist China.

Client records show that Mr. Hubbell did little or no work for most of the money he received from 18 companies and individuals. Now, his government job was \$123,000 a year. His income totaled \$704,000 after he left his government job. Something very wrong is going on.

The Committee on Government Reform and Oversight has an obligation to find the truth for the American people, to have people sworn under oath testifying, to work with the Justice Department to make sure that we do not disrupt their investigation. But when the Clinton Administration Justice Department says this person can be immunized, there is no excuse, none, for any Member of this House to vote against that immunization. I call on the committee next week to have a second hearing.

I hope every newspaper in this country will look carefully at the issue. Why would any Member vote against that kind of opportunity? I think that it is very important that we continue this.

Mr. WAXMAN. Madam Speaker, will the gentleman yield?

Mr. GINGRICH. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore. Fifteen seconds.

Mr. WAXMAN. Madam Speaker, I ask unanimous consent that the Speaker be given 5 additional minutes.

Mr. GINGRICH. I do not think that is possible under the rules.

Mr. STEARNS. Madam Speaker, I object.

The SPEAKER pro tempore. The gentleman's time has expired.

#### RANKING MEMBER OF COMMITTEE RESPONDS TO SPEAKER'S REMARKS ON CAMPAIGN FINANCE INVESTIGATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas (Mr. DOGGETT) is recognized during morning hour debates for 5 minutes.

Mr. DOGGETT. Madam Speaker, I yield to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentleman very much for yielding. I raced over to the House floor. I did not know the Speaker was going to raise the issue of the Government Reform and Oversight campaign finance investigation. But I did want to come to the House floor to inform him and my colleagues what has happened with this investigation.

First of all, in February of last year I went to the gentleman from Indiana (Mr. BURTON) and said, "Let's do a bipartisan investigation on campaign finance abuses." I wrote to the Speaker and asked that we have a House and Senate joint investigation so that we in the House would not duplicate the work being done by the Thompson Committee over in the Senate.

I never received a reply from the Speaker, but the response that I did get from the gentleman from Indiana was that he was going to do his own investigation, thank you very much. Now, after a year and a half, we have spent over \$6 million of the taxpayers' money, we have duplicated a great deal of what went on in the Senate committee, and we have nothing to show for it. We have turned up nothing that was not already in the Senate investigation or quite frankly that has already appeared in the press.

The chairman of our committee, the gentleman from Indiana, has had delegated to him unprecedented authority. He had delegated to him powers that no chairman has ever had before. He has the power to unilaterally issue subpoenas.

The gentleman from Indiana has this authority to issue subpoenas unilaterally. He does not have to come to the committee for a vote. He does not have to seek even authorization from his Republican majority. He can just go ahead and issue subpoenas.

Prior to 1997, how many subpoenas were ever issued unilaterally by a chairman of a House committee? Zero. Now, after a year and a half, we have had the gentleman from Indiana issuing 600 subpoenas, all on his own. No one had a review of them. Those subpoenas are part of a thousand subpoenas and information requests issued to Democrats, or Democratic sources, related to Democratic campaign funding issues.

How many has he issued with regard to Republican abuses in the 1996 election? Fourteen. We have not had a single subpoena authorized by the chairman at our request, even though there are important issues to investigate.

The Haley Barbour national review, national committee, whatever it was, that was a source of foreign funding has never been reviewed by our committee. Fund-raising abuses on public property by Republicans, we cannot get the chairman to pay any attention to that. The strange \$50 billion tax break for the tobacco companies, the Speaker knows may know something about that because he and Mr. LOTT were the ones who put that through in the middle of

the night. We thought that ought to be investigated. None of these things have been investigated.

□ 1245

The Democrats have been closed out by an effort by the Republicans to do a partisan, reckless investigation. Notwithstanding that, we went along on the only vote where our votes count, and that is on the issue of immunity for witnesses at the request of the chairman once before, and we were all embarrassed by that. The Democrats gave our votes for immunity for a witness who turned out not to have given us honest and credible testimony and a witness who used the immunity granted to him to avoid possible immigration and tax crimes for which he now will never be prosecuted.

Now we are being asked to give immunity to four more people, fairly low-level people. I do not think they have all that much to add to the investigation, but why should we give immunity to these witnesses?

We have not received a proffer from them which would tell us what they know and what they have to say, what to add to the information already available. We have no written proffer from these four people. We have no guarantee that the chairman will conduct the investigation any other way than what he has done up to now.

We wrote to the chairman after that last immunity vote and we said to him, "We gave you the votes for immunity, and we regret it. We've been embarrassed, as should you be, having given a man immunity for possible offenses that none of us ever knew about. The investigation wasn't done adequately by the majority party staff; and, in the future, if we're going to give immunity to witnesses, we want certain assurances. We want, first of all, the assurances we are going to know what these witnesses are going to say, that work will be done in advance so we don't find giving immunity when it's improper. And, secondly, we want this committee to be conducted the way every other congressional investigation has been conducted."

Madam Speaker, in the Watergate investigation, in the Iran-Contra and any other investigations, there have always been traditional procedures which are not being followed in this investigation.

The SPEAKER pro tempore (Ms. PRYCE of Ohio). The time of the gentleman from Texas (Mr. DOGGETT) has expired.

Mr. WAXMAN. Madam Speaker, I ask unanimous consent for one additional minute.

The SPEAKER pro tempore. The Chair will clarify for the RECORD that recognition during Morning Hour debate proceeds upon designations by the respective party leaders, and the Chair does not entertain unanimous consent requests to extend debate time.

# SPEAKER TROUBLED BY PARTISAN BEHAVIOR IN CAMPAIGN FINANCE INVESTIGATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida (Mr. MILLER) is recognized during morning hour debates for 4 minutes.

Mr. MILLER of Florida. Madam Speaker, I yield to the gentleman from Georgia (Mr. GINGRICH), the Speaker of the House.

Mr. GINGRICH. Madam Speaker, I just want to make one comment.

I do not intend to debate my colleague from California, but I would ask every Member of the House who just watched this colloquy to go back in your memory, as I did when I was a young teacher at West Georgia College, to remember what it was like to sit mesmerized watching the Watergate hearings and to see Senator Howard Baker not ask that they go back and investigate Lyndon Johnson; not ask that they go back and find a Democrat; not ask that they have this excuse, that excuse, the next excuse; not say, "Don't go after the little guys because you have to go after the big guys; you can't go after the big guys because you didn't go after the little guys;" not give 25 different, phony excuses.

Howard Baker set the standard for this country of a bipartisan, serious effort at getting at the truth. Howard Baker understood that Richard Nixon could not be allowed to take the entire Republican Party and the Constitution down in flames and that his job as a United States Senator was to get at the truth, and Howard Baker again and again and again cooperated with the Democrat Chairman Sam Ervin.

And I would simply ask every one of my colleagues: Look at what you just heard from the ranking Democrat, go back in your memory and remember Howard Baker's effort to find the truth, and then I think you will understand why we are being forced inch by inch to break through the stonewall and the cover-up despite the defense attorney tactics being used by Democrats who ought to be ashamed of it and ought to be helping us get at the truth rather than finding some flimsy excuse to avoid voting for immunity.

Mr. WAXMAN. Madam Speaker, will the gentleman yield?

Mr. MILLER of Florida. Madam Speaker, I yield back the balance of my time.

## PARTISAN BEHAVIOR IN CAMPAIGN FINANCE INVESTIGATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from California (Mr. WAXMAN) is recognized during morning hour debates for 5 minutes.

Mr. WAXMAN. Madam Speaker, I am sorry the Speaker would not yield to me because I wanted to tell the Speaker that in the Watergate investigation

the Chairman, Sam Ervin, did not accuse the President of the United States of being a scum bag. He did not say that he was out to get him. Those were the very words of the chairman of the Committee on Government Reform and Oversight in remarks in his district when he talked about what he was doing in this investigation.

Are we stonewalling an investigation that is proper and legitimate and is trying to get to the truth under a chairman who is interested in objectivity and facts? The chairman of our committee has acted from the very beginning in the most partisan of manners. He has refused to give us the basic rights to request subpoenas to look at Republican abuses. He has refused to allow the Democrats to play a role. In fact, he does not even let his own members play a role. They delegated authority to him, and he, in turn, has delegated it to his staff.

I might not be a Howard Baker, but the gentleman from Indiana (Mr. DAN BURTON) is no Sam Ervin.

If we would have followed from the very beginning the requests that I made that we do a bipartisan, non-partisan, fair investigation on campaign finance abuses, we would not be here a year and a half later having spent \$6 million with a likelihood that at the end of this year we will have spent \$10 million harassing witnesses. And I have a long list of people who have been abused of people who have been hounded either the Republican staff did not know the right people they were going after or people they have gone after to the point of just plain harassment. We would not have that sort of thing.

We have had witnesses in our committee who have been called in for depositions over five times to be asked the same questions over and over again.

Today, we have a woman coming in for the fifth or sixth time; and she already was in depositions in the Senate three separate days and asked the same questions over and over again; and she had never been accused of any wrongdoing. Does anybody know what that means when a witness is brought in day after day after day to answer the same questions over and over again, sitting there with her, as she must, with her attorney to whom she is paying out of her own pocket on a government salary?

Now witnesses have been brought into depositions by the unilateral action of our chairman, and those witnesses have been asked questions that no one ought to be asked about their personal lives. But, as a practical matter, do you know what it means? It means that they can object and then the ruling would go to the gentleman from Indiana (Mr. DAN BURTON) as to whether they would be required to answer questions about their personal lives, their drug use or whatever, which has nothing to do with campaign finance abuse. And then the gentleman

from Indiana would rule they have to answer, and they could still refuse, and then they face a contempt of Congress.

Do you know what it is like for somebody to have the full force of the Federal Government, the Congress of the United States, staring at them and telling them they will be in contempt and may go to jail if they do not answer questions about their personal lives? So they answer it.

That is one area where people have been abused, but there is another area that I want to raise with my colleagues, and that is the action of the chairman to unilaterally release the tapes made of conversations that Web Hubbell had with his wife, with his children, with his friends when he was in this prison. He knew that the prison authorities were taping all conversations for security purposes, but he did not care about that because he was not talking about anything that breached security.

Ninety-nine percent of the tapes are conversations with his wife about the children, about their finances, about their sex life, about friends who may be in trouble whom they name, friends who may be having difficulties, the kinds of things that every person talks to a spouse about. And the gentleman from Indiana (Mr. BURTON) has moved to release those tapes to the public.

It was bad enough that his staff was able to sit there in a very prurient manner and listen to those intimate conversations. I had asked my staff to do the same just so we knew what was on those tapes, and they were embarrassed having to listen to such personal conversations.

We have not had the conduct of a chairman who has acted properly, and we should not give him this authority to go any further.

## PARTISAN BEHAVIOR IN CAMPAIGN FINANCE INVESTIGATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Indiana (Mr. BURTON) is recognized during morning hour debates for 4 minutes.

Mr. BURTON of Indiana. Madam Speaker, since the beginning of this investigation, the White House and the Democrats on our committee have done everything they possibly can to obstruct our investigation.

Mr. Ruff, the President's counsel, told us initially he was not going to claim executive privilege; this was last January, and then he did. And then we had to move a contempt citation against the President's personal counsel because he would not give us documents that were relevant to the investigation. And, finally, at the last minute, 6 months later, he gave us a letter saying we are going to give you what you want. And then in June he sent me a letter saying, to the best of my knowledge, to the best of my knowledge, you have everything that you have asked for. Three months

later, we got 12 more boxes of documents, and then we found out about the White House videotapes.

Ever since this investigation has gone on, they have tried to drag it out and drag it out and drag it out to keep us from getting at the facts; and we have to deal with that. They drag it out, and then they blame us for taking so long. They keep information from us, and then they blame us for taking so long. They try to keep us from talking to witnesses that want to talk to us, and then they blame us for taking too long.

The four witnesses that he voted against last week for immunity have been approved for immunity by the President's Justice Department, and yet all 19 Democrats voted to obstruct our investigation by not allowing that immunity to take place, even though the President's own Attorney General okayed us getting that immunity, and that is because they are trying to protect this administration and block every single thing that we are trying to accomplish.

Now, they said we have not accomplished anything, that this has been a waste of the taxpayers' money and time.

Let me just go through a few things.

The Democrat National Committee has returned \$3 million in illegal foreign contributions that would not have been returned had it not been for the investigations that have taken place. Do we want the Chinese government giving campaign contributions to people running for president in this country? Do we want them to have influence over our foreign policy or our defense policy? I think not. And yet millions of dollars in illegal foreign contributions have come into this country to the DNC and to the President's legal defense fund and been returned, but only because of the investigation we caught him and we had to send it back.

We had White House coffees where they were raising money, where they were renting out the Lincoln bedroom, doing all kinds of things to try to raise money in addition to taking money from foreign sources.

The White House had people running in and out of there who were known drug dealers. Jorge Cabrera was in to meet with the President on a number of occasions. Wang Jun, a convicted drug dealer; Grigory Louchansky, another felon, had access to the President of the United States.

Charlie Trie, one of the President's best friends in Little Rock, was indicted. He fled the country, took the fifth amendment. He finally came back. We had to force that issue.

John Huang, a personal friend of the President who ran the Worthen Bank in Little Rock, Arkansas, a part of the Riady group, John Huang has taken the fifth, but we understand now he is willing to, with limited immunity, talk to us.

But the Democrats will not help us to get the immunity we need to have

these people talk, and why do they do that? Because they do not want those people to talk. They do not want the American people to know the fact about these illegal contributions and how foreign entities were buying influence in this government. They do not want the people to know that, because it is explosive and we are bent, hell bent, to get to the bottom of it and to get the facts out.

Because the American people have a right to know if their government is for sale, if their foreign policy is for sale, if their defense capability is for sale. And, if it is, those who are responsible need to be brought to justice, and that is what we are all about.

Now people, like my colleague from California, keep trying to defend their position. It is indefensible, and we are going to stay after until we get the facts out and get the truth out.

#### TAXPAYERS FORCED TO FUND PARTISAN INVESTIGATION

The SPEAKER pro tempore (Ms. PRYCE of Ohio). Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas (Mr. LAMPSON) is recognized during morning hour debates for 5 minutes.

Mr. LAMPSON. Madam Speaker, I yield to Mr. WAXMAN from California.

Mr. WAXMAN. Madam Speaker, I thank the gentleman for yielding.

I want to make it very clear what has been happening in this investigation. The gentleman from Indiana (Mr. BURTON) has unlimited and unprecedented authority. He can unilaterally issue subpoenas, he can force people in for depositions, he can make people give up information, and then he can also disclose anything he wants to the press. His staff can leak it to the right press people to get the maximum story, and then get their spin on it. Democrats have never been in a position to stop their investigation, to hinder it in any way. They do not even ask us what to do, they just go ahead and do it. The only time we have any say on anything is when there is a question of immunity.

Now, we hear the Speaker and the chairman of the committee coming to the House floor to complain that we are stopping their investigation. Well, the fact of the matter is that after over a year and a half, they have asked, through depositions and otherwise, for information about Democratic campaign abuses, and they have received over 1 million and a half pages regarding Democrats. They have gone after Democrats, at taxpayers' expense, doing research for opposition campaign purposes. This is what this is all about. It is a government-funded Republican campaign to smear Democrats. It is not a legitimate investigation about campaign finance abuses.

These people, by the way, who are complaining today are the same ones who did not want us to have campaign finance reform even considered by the

House, until they were forced by some of their own Members to bring it up.

Madam Speaker, I want to point out that this Burton committee has been incompetent. They have blundered, these are not just my statements. I want to read the statements, a series of editorials from the New York Times. The New York Times called it a "parody of a reputable investigation", useless and unprofessional, and a "rogue operation". The Washington Post earlier last year already noted the "investigation runs the risk of becoming its own cartoon, a joke, and a deserved embarrassment". The Los Angeles Times called it a "partisan sideshow". The former chief counsel, the Republican chief counsel of the committee, quit last year, and he said, he was unable to conduct an investigation that complied with the standards of professional conduct that he had been accustomed to when he was in the U.S. Attorney's Office. He resigned because he said this whole investigation was incompetent and unprofessional.

Madam Speaker, they have blundered, they have handled it in a partisan way, they have handled it incompetently, and what do they do? They come to the House floor and want to point fingers. They want to blame everybody but themselves. They want to point a finger at the administration, they want to point a finger at me, they want to point a finger at the Democrats, for their incompetence and their blunders.

Oh, how I wish we really had a fair investigation. We pleaded with the Republicans, let us do a fair investigation. I even wrote an editorial in the New York Times, suggesting that if it helped, we ought to appoint some independent investigator to look at the Clinton administration issues, so we could then look at Democrats and Republicans in a fair way. We were told to forget it. They had the subpoena power, they had the millions of dollars of taxpayers' money to spend; they were going to do what they want to do, and that is what they have been doing for the last year and a half. It has been a series of embarrassments for them, and now, to get out of that, they are saying that we should go along and help them with immunity.

They can send this investigation to another committee. They can go to the Committee on House Oversight chaired by the gentleman from California (Mr. THOMAS) where they have stacked it so they have two-thirds of the vote, and they can vote immunity, and then Chairman THOMAS can do the investigation. Fine. If that is what the Republicans want to do, send it to another committee. It could not get any worse. It could not get any worse if they had somebody else trying to do this investigation.

The chairman of the committee, the gentleman from Indiana (Mr. BURTON), is just not the person for the job. We do not put somebody in to investigate

about campaign finance abuses when he himself is being investigated on the issue of his possible campaign finance abuses.

#### DOUBLE STANDARDS ARE INAPPROPRIATE FOR OUR MILITARY PERSONNEL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Indiana (Mr. BUYER) is recognized during morning hour debates for 5 minutes.

Mr. BUYER. Madam Speaker, before I give remarks, I think the American people can see that the gentleman from California (Mr. WAXMAN) is perhaps one of the most partisan Democrats here in this body. I think he takes pride in that, and I applaud that because there really is not anything wrong with partisan politics; this is a political body, so that is what this is about.

Madam Speaker, I rise as chairman of the Subcommittee on Military Personnel here in the people's House on behalf of the American people and the 1.2 million active military personnel worldwide and those in the Reserves. I am here to send a message to this administration, and in particular to the President, on his conduct as Commander in Chief.

The message is that military personnel look to the Commander in Chief to set the high standard of ethical behavior and morality. Military personnel are required to set a high example of conduct in order to set an example to those they lead. Adherence to high moral standards is the fabric of good order and discipline in the military. When military leaders fall short of this ideal, then there is confusion and disruption.

Today, many see a double standard in the military. There is a double standard because the Commander in Chief has allegedly conducted himself in a manner that would be a court-martial offense for military personnel for sexual assault and sexual harassment regarding the allegations by the Democratic staffer in the White House, Kathleen Willey.

What about the double standard in the White House of those claiming that the Air Force general did not qualify as the Chairman of the Joint Chiefs of Staff because he had a relationship with a woman pending a divorce, and then we look at the President's own admitted adultery.

What about the Secretary of Defense? William Cohen stated in an interview recently that the President's alleged conduct is having no effect on troop morale. I respectfully disagree. This is not just my concern.

Let me share with my colleagues a letter I received recently from a retired Army officer with 30 years of service, Colonel John Hay. What he stated was, "From the earliest days of service, our new enlisted men and women and officers are taught the necessity of military ethic, chain of com-

mand, standards of conduct and principles of leadership; all enforced by the Uniform Code of Military Justice. These standards and values instilled early and continued throughout a career in the military are necessary to maintain the essential trust between the military and the Nation's civilian command authority. These military ethics, values and standards of conduct are generated by the fact that the activities conducted by the Armed Forces are official acts of the Nation. Since ours is a Nation that conducts itself within a set of stated high values, the manner in which our forces perform their duties must be carried out with the same set of high values. Thus, the consistent support of the Nation can only be maintained by expecting and enforcing the highest ethical standards upon every echelon of the military chain of command from the President, as our Commander in Chief, down to and including every individual soldier, sailor, marine and airman."

The Founding Fathers were concerned about the ethical standards of the military leaders. Madam Speaker, it was John Adams that included the first naval regulations, language that called for naval officers to have high moral and ethical standards. This language was codified for naval officers by Congress in 1956 and for the Army and the Air Force in 1997 in last year's bill.

This language calls for officers to "show themselves a good example of virtue, honor and patriotism and to subordinate themselves to those ideals, and to guard against and to put an end to all dissolute and immoral practices and to correct all persons who are guilty of them."

Madam Speaker, there is frustration and confusion in the military. Over the last 18 months, I have traveled to a number of military installations and training centers, not only here in the United States, but all over the world, as I have conducted extensive review in sexual misconduct and sexual harassment in the United States military. I have heard the questions from military personnel about the behavior of the President as the Commander in Chief. As a Member of Congress and as an officer in the Army Reserves, I myself find these questions disturbing.

Each of the services is recruiting young people all across the Nation. At boot camp they are infusing these young men and women with moral values of honor, courage and commitment. They are teaching self-restraint, discipline and self-sacrifice. Therein lies the understanding of deserving honor. Military leaders are required to provide a good example to these young recruits, yet when they look up the chain of command, they see a double standard at the very top.

That is why I have decided to include in my chairman's mark on Thursday for the military personnel section to the National Defense Authorization Act language that will apply John Adam's original guidance on ethical

conduct for military officers to our national command authority, in particular the Secretary of Defense and the President, while acting as Commander in Chief.

I hope this language sends a loud and clear message to the administration. They are being watched. From the 18-year-old recruit to the admiral, they all look to the Commander in Chief to set the tone and serve as an example of high moral and ethical behavior.

Madam Speaker, I believe that it is worthier to deserve honor and hold it with humility than to have it, shamelessly flaunt it, and not deserve it.

#### SELF-DETERMINATION FOR PUERTO RICO: A DREAM DEFERRED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) is recognized during morning hour debates for 5 minutes.

Mr. ROMERO-BARCELÓ. Madam Speaker, 100 years ago, in 1898 the United States acquired Puerto Rico as a territory. Since then, every time the Congress has considered extending the right of self-determination to the people of Puerto Rico, nativists have raised their voices in protest. Their message is a message of fear.

Less than 2 months ago, March 4 of this year, the House just passed a bill 209-to-208, by scarcely one vote, allowing the people of Puerto Rico to have an act of self-determination. The reason this vote was so close is because of the campaign of fear-mongering that was carried on in this House.

Nativists fear that Puerto Rico will be asked to join the Union as a State. In the nativist mindset, the 3.8 million American citizens of Puerto Rico do not belong in this Union because they do not walk, talk and look like the nativist of the hour. In the mid-1800s a nativist was a Protestant, white Anglo-Saxon male, born in the United States of Protestant parents. Perhaps the profile of a nativist today is the same.

Whoever they are, nativists are prejudiced. And the brand of prejudice they practice is the cultural equivalent of racism. Nativists resist the acculturation, that intercultural borrowing between diverse peoples which results in new and blended social and cultural patterns, even though America's history is a history of acculturation. How else, after all, did we arrive at the image of a great melting pot?

Nativists must think this melting pot business has gone on long enough and it has come time to put an end to it. They are willing to slander people in defense of their image of American cultural purity.

Just listen to what nativists say will happen to the United States if Puerto Rico becomes a State. "Granting statehood to a land that is alien to us in most ways," declares Don Feder of the Boston Herald, will be a milestone on "the road to national dissolution." Columnist George Will implies that the

"fraying of American culture" and "the Balkanization of society into grievance groups organized around race and ethnicity," which he believes is already under way, would only be exacerbated by the State of Puerto Rico. Others predict that a State of Puerto Rico would be America's own Quebec; it would be violent, it would drain the national Treasury, it would allow gangs to run prisons; it would promote political patronage, and it would rob other States of their representation in Congress.

This is scary stuff, and it is meant to be. People are using fear to paralyze the Democratic process and to deny the 3.8 million American citizens of Puerto Rico the right to self-determination and the right to participate in the Democratic process of this Nation, a right that we defend on foreign soils, a right for which our people have died defending on foreign soils.

Puerto Ricans did not welcome American troops in 1898 for the privilege of transferring our colonial status from Spain to the United States. Our forefathers were certain that the world's most admired democracy would readily confer democracy to the people of Puerto Rico, but it did not.

When U.S. citizenship was extended to our people in 1917, it was devoid of the most fundamental Democratic right, the right of self-government and self-determination. It was not until 1950 that Congress invited the people of Puerto Rico to draft a Constitution as the ruling law of the established local self-government. The right of self-determination and participation in the democratic process of our Nation continues to be a dream deferred.

Yet, the American citizens of Puerto Rico are devoted to this democracy and its ideals, and we have demonstrated our commitment tangibly at the poll booth and at the battlefield. Whenever an election is held in Puerto Rico, 80 to 85 percent of the electorate votes.

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I challenge any State of the Union to try to match that. The fact is, Puerto Rico enjoys the highest rate of voter turnout of any jurisdiction in the world where voting is not mandatory.

And Puerto Ricans have given their lives in defense of U.S. national interests. We have served honorably, in disproportionately high numbers on a per capita basis and in absolute numbers, in every military engagement our Nation has faced during this century. Madam Speaker, 48,000 Puerto Ricans fought in the Vietnam War alone, and in the Korean War more Puerto Ricans died on a per capita basis than in 49 of the 50 States of the Union.

"When people fight for a country," as Senator DANIEL PATRICK MOYNIHAN has so eloquently expressed, "they get a claim on a country." Puerto Ricans have a claim on these United States, and we make that claim today. It is time for this Nation to turn its back on nativism and honor Puerto Rico's right

to self-determination and the right to participate in the democratic process of our Nation.

We beseech the leadership, the Republican leadership in the Senate, to allow this bill in the Senate to go forward as it went forward in the House, so the people of Puerto Rico, the 3,800,000 U.S. citizens, can exercise their right to self-determination and the right to vote.

#### TAX FAIRNESS?

The SPEAKER pro tempore (Ms. PRYCE of Ohio). Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Madam Speaker, I come to the House this afternoon to talk about the U.S. tax system. We have all just paid our taxes, so I think it is appropriate to ask the question: Is the U.S. tax system fair?

Of course not. In fact, it is kind of a preposterous question to ask anyway. We all kind of accept the fact that the Tax Code has become a perverse mess. It is a lot of things, but fair is not one of them. But like so many questions, this one becomes more complicated the more we know about it.

For example, what if we eliminated all the problems with the Tax Code, the loopholes, the needless complexities, the special exemptions and the historical anomalies? What we would be left with in the United States Tax Code is its essence. It would be nothing more than a tax on Americans' incomes at a progressive rate.

So we have to ask ourselves a question: Is a progressive tax on income fair? Well, consider the word "progressive," what it means. It has got sort of a positive connotation today. It is a good thing; its basic definition is "of or pertaining to progress." But before jumping to any conclusions, consider the definition in the dictionary which is number 4, "increasing in extent or severity."

The American income tax code has been progressive from the start. In 1913 when the tax was first imposed, the bottom tax rate was 1 percent, rising all the way to 7 percent on income over \$500,000. Today the top rate is 39.6 percent as imposed upon all income above \$250,000. Obviously, this sort of progressive tax is problematic in its own right, but there is more.

The reason this discussion is important is because we are starting the debate on tax reform. In the late 19th century when the income tax was first debated, the economists used the marginal utility argument as the justification for the progressive tax. Until then, the typical approach was to make everyone pay the same amount so that the more a citizen made, the more they paid. However, the marginal utility theorists argued that the last dollar people made became less important to them as their incomes went up, so to

tax citizens "equally" one would have to tax wealthy persons at higher rates.

The idea seems pretty commonsensical at first, whether a citizen is Bill Gates or not. Whether Bill Gates earns \$1,000 more than above his salary in a year, it does not change his life much. To his cleaning lady, the last \$1,000 makes a huge difference in what she can afford. It might make the difference between a good year and a bad year. Thus, marginal utility works.

Not exactly, Madam Speaker. Unfortunately, not all Americans are Bill Gates nor are all Americans like the cleaning lady. For example, contrast a family with an income of \$100,000 to a family with an income of \$125,000. Does one family really value its last \$1,000 more or less than the other? Moreover, is there any way to measure the difference in "utility" rationally and precisely enough to base policy decisions affecting millions of Americans upon this?

In fact, this is the first easy question to answer. There is absolutely nothing in the vast edifice of economics that could help us make such a finite decision on progressive tax rates. That is the basic flaw of progressive income tax. There is no objective way to decide what different tax rates should be, and that is why many people support a flat tax.

But ignorance should not be an argument for policy decisions. Unfortunately, the government can get away with it. Americans do not really believe in an income redistribution like the Europeans do, but Americans do not want their taxes raised either. Ultimately, it is a quandary best articulated by George Bernard Shaw who said, "A government who robs Peter to pay Paul can always depend upon the support of Paul."

The problem for the United States is that almost everyone is a Peter and even the Pauls are starting to get angry at the system.

So once again I ask: Is it fair? Is the U.S. tax system fair? Absolutely not. But it is not just a matter of convoluted and messy tax codes. It is a question of basic fairness. Is one taxpayer's last dollar bill really worth more or less than another taxpayer's?

Madam Speaker, I call upon the Speaker to put this issue before the House soon so that we can debate ways to simplify our tax system, albeit a flat tax, sales tax, or simply a simplified Tax Code that everyone can understand.

#### CENTENNIAL ANNIVERSARY OF THE SPANISH-AMERICAN WAR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Guam (Mr. UNDERWOOD) is recognized during morning hour debates for 4 minutes.

Mr. UNDERWOOD. Madam Speaker, 100 years ago this past Saturday, April 25th, the United States officially declared a state of war with Spain, and



the "splendid little war" was officially underway. The Spanish-American War is generally remembered for the destruction of the *Maine*, Roosevelt's Rough Riders, and America's first acquisition of colonies. Many people tend to forget that the American victory was initiated and secured by the American activity not in the Caribbean but in the Pacific. And as we commemorate the centennial anniversary of the Spanish-American War, I would like to draw attention to a couple of unresolved issues which are a legacy of this conflict and our self-perception as an "anticolonial" but nevertheless colonial power.

This was the war that clearly established the United States as a colonial power in the world. The island of Guam was first acquired as a coaling station in 1898 and has since become America's foothold in Asia. Over the years Guam has provided a much-needed opportunity for the United States to protect its vast Asian interests and, more importantly, secure its military goals. Guam's strategic location in the western Pacific continues to be its major value to this country, and I am proud to say that we on Guam have realized this value and are more than willing to draw attention to it, particularly to our determination to finally exercise self-determination.

The acquisitions resulting from the 1898 war plunged the United States Government into uncharted political territory. Never before had noncontinental real estate come under its control. Prior to the acquisition of the islands, the continental American territories were intended for eventual incorporation into the Union of States. What then was to be the fate of these new possessions? And this issue continues today.

There are no easy solutions to this particular problem. However, we are currently presented with a rare opportunity to deal with it not only in the case of Puerto Rico, but in the case of Guam.

I would also like to draw attention to an issue with the Philippines. We have, in Wyoming, a structure designated as a memorial to American servicemen attacked and killed in the town of Balangiga, Philippines. One hundred years of misrepresentation and misinformation has gradually transformed this memorial into a symbol of a slanted and mistaken view of history, a reluctance to admit and correct mistakes from the past, and resistance to advance to the future.

On November 7 of last year I introduced H. Res. 312, urging the President to authorize the transfer of ownership of one of the "Bells of Balangiga" currently displayed in Wyoming to the people of the Philippines. Contrary to several misconceptions, H. Res. 312 recognizes that the memorial at F.E. Warren Air Force Base has a legitimate but not exclusive right to memorialize tragic events which occurred during the Philippine Insurrection, and does

not seek to dishonor the memory of the American troops who perished in the Philippine Insurrection or to disestablish the monument in Wyoming. H. Res. 312 proposes a compromise wherein both the Philippines and the United States will share in the legacy of these historic symbols.

The matter touches upon a greater issue and reflects the true nature of our special relationship with the Republic of the Philippines. In the course of subduing the Philippines right after the Spanish-American War, over 4,000 Americans and over 200,000 Filipinos died. The Bells of Balangiga are a symbol of that conflict. For us, they are the trophies of war that marked the killing of over 50 Americans, and for Filipinos they represent the eventual order to kill every Filipino male over the age of 10 on the island of Samar. If we share these bells, we bring honor to both countries and all who suffered and died.

Today, each and every one of us is faced with a challenge. As we commemorate the centennial of the Spanish-American War, we must decide whether we should focus upon the true dimensions of this historic event, reflecting upon its far-reaching results, take advantage of the knowledge we have gained, learn from our experience, and bring resolution to these issues, or perhaps we should just save all these lofty aspirations for the bicentennial.

#### THE "GIVE FANS A CHANCE ACT"

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, this month a little drama is being acted out in New York City and the venue is Yankee Stadium. What should have been the glorious 75th anniversary of "the house that Ruth built" may in fact see the end of a tradition unless New York City comes up with perhaps as much as \$1 billion.

This is another example of professional sports, instead of being a source of civic pride, are to be often a symbol of what people do not like. The players now are the television networks, major corporate sponsors, athletic equipment and apparel giants. The fans appear to be almost an afterthought.

This trend, some would suggest, started about 40 years ago when the Brooklyn Dodgers tore the heart out of that community by moving a very profitable franchise to the West Coast in pursuit of greener pastures.

It continues today. I have heard from fans all over America: Houston, Chicago, Sacramento. New York is just simply the most recent and perhaps the most egregious example. And of course it has come full circle because recently the Dodgers were sold again, this time to Rupert Murdoch, and the trend is growing. Over 50 million people live in

and around communities with sports teams which have recently moved or are threatening to relocate.

The change of focus away from the fans has become more acute as these leagues have upped the ante. Between now and the year 2006, more than \$7 billion will be spent on new stadiums, most of which will be public money. In comparison to the stadiums, teams are cheap. The stadiums currently under construction range in price from perhaps \$250 million to, in the case of the New York Yankees, as we have mentioned, perhaps \$1 billion or more.

But wait a minute. The average value of a baseball team is only \$134 million. The average for a football franchise, \$205 million. Thus, these stadiums cost significantly more than the teams themselves; in the case of the Yankees, as much as four times as much.

Madam Speaker, it would be cheaper for the community just to buy the team. Well, there is one city in America that does not have to worry about this little drama. Green Bay, Wisconsin, one thirty-fourth the size of Los Angeles, owns perhaps the most successful franchise in American sports. But the NFL will not let it happen again. They have passed rules against municipal ownership.

The Federal Government must stop aiding and abetting this abuse. We are not innocent bystanders. Besides the massive tax subsidies that we provide for the construction of stadiums, we provide an antitrust exemption that enables professional sports franchises to make billions of dollars. The NFL, for instance, will earn \$17.6 billion over the next 5 years. We have made the NFL rich, yet the NFL will not allow another community to own its franchise.

That is why I have introduced the "Give Fans a Chance Act." It would tie the sports broadcast antitrust exemption to the elimination of rules that prohibit public ownership. And it would give communities a voice in relocation decisions.

The advantages are clear: It would end the franchise feeding frenzy; it would make stadium decisions based on what is good for a team and community, not on what looks to be blackmail; it will make it easier to get support for needed stadium expansions; and will help eliminate the cynicism that is permeating professional sports.

Sports fans from coast to coast love this idea. There is a congressional responsibility to help these fans, since we helped create this monster. I urge my colleagues to give fans a chance and support H.R. 590.

#### PRESIDENT SHOULD SUPPORT RELIGIOUS FREEDOM, RATHER THAN APPEASE OPPRESSIVE GOVERNMENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Virginia (Mr. WOLF) is recognized during morning hour debates for 5 minutes.



Mr. WOLF. Madam Speaker, yesterday the President of the United States provided one of the most stunning rationalizations in history about the need for appeasement in the face of persecution. I submit today's front page article from the New York Times and encourage my colleagues to read it.

What is so bad about the "Freedom From Religious Persecution Act" according to President Clinton? That it will force the administration to "fudge," and that is the President's term, reporting on violations so they would not have to carry out the sanctions imposed by this act.

There apparently was no mention by the President that the bill, the Freedom From Religious Persecution Act, provides a very generous waiver, a total waiver for the President. He can waive the sanctions for national security reasons or if doing so would advance the objectives of the act.

As we consider this act, Madam Speaker, we should know that Catholic priests are in jail in China, Catholic bishops are in jail in China, even evangelical pastors are being persecuted in China. The Chinese government has plundered Tibet. I have been to Tibet. I have visited and gone outside the prisons to hear how they are persecuting Buddhist monks and Buddhist nuns. They are persecuting the Muslims in China, and yet the President says this legislation is a ridiculous act.

What the President and State Department fear most about this bill is the fact that it requires them to look at facts and take action. This administration wants to appease these governments when they are perpetrating evil, the same type of evil that when Ronald Reagan was President of the United States, he talked about the evil empire when he gave that very profound speech in Orlando back in the early 1980s.

President Clinton made his remarks when he stopped by a meeting with prominent evangelical leaders. He went on to describe President Jiang Zemin as a person who "knows a lot about Christianity in China." That is what the President said. "He knows a lot about Christianity in China." He said he "understands the issue."

Yes, Jiang Zemin understands the issue. He understands that he puts priests in jail. He understands that he puts bishops in jail. He understands that he puts evangelical leaders and lay pastors in jail. He understands that he persecutes the evangelical church and the Catholic church. He understands that he plunders Tibet and he brutalizes the Buddhist monks and nuns. He understands that he breaks the backs of the Muslims in China. He understands.

What does the President mean, that President Jiang Zemin understands? Does he mean he is sympathetic? Then let him open up the jails and allow these people to come out. And for the President of the United States to say this is wrong.

Madam Speaker, let me remind my colleagues that President Jiang Zemin is president of a country which systematically imprisons Catholic bishops and priests, imprisons protestant pastors and lay people, tortures Buddhist monks and nuns.

Has our President ever been to Tibet? No. Has anybody from the administration been to Tibet? No. I have been there and talked to the monks, and seen the plunder that is taking place. I say this is a shame. Yes, President Jiang Zemin knows about Christianity. He knows how to persecute it.

But, Madam Speaker, Christianity will rise in China. Christianity will be there when President Jiang Zemin is gone. And the Catholic church will prosper and the evangelical church will prosper, and the church will rise up and be there long after President Jiang Zemin is gone from there. But what a disgrace for this President to say and infer that President Jiang Zemin is sympathetic to the church in China.

One other thing I want to raise, Madam Speaker. I want to submit an article which was in Mother Jones magazine showing how USA\*Engage, a lobbying group downtown run by Anne Wexler, is attempting to manipulate prominent religious leaders in the United States. One USA\*Engage memo obtained by Mother Jones described how Company X is assigned to talk to one of the country's most well-known religious leaders and Company Y is assigned to talk to another prominent leader. It goes on.

I am saddened that USA\*Engage and the Wexler group would attempt to manipulate leaders in this country of different denominations, while priests are being persecuted and slavery is taking place in Sudan. 1.1 million Christians have been persecuted in Sudan because of their faith. Because they love Christ and they want to stand for Christ, they are persecuted for Christ. And Anne Wexler and USA\*Engage join up, join up to defeat legislation which will send a message to these people that we care, that we remember the words of the Declaration of Independence: We hold these truths to be self-evident, that all men and women are created equal and given rights by their creator God, life, liberty and the pursuit of happiness. And for USA\*Engage to attempt to manipulate this progress is very, very sad.

Madam Speaker, yesterday the President of the United States provided one of the most stunning rationalizations in history about the need for appeasement in the face of persecution.

I submit for the record today's front page *New York Times* article and encourage my colleagues to read it. What is so bad about the Freedom from Religious Persecution Act according to President Clinton? That it will force the administration to "fudge", and that's the President's term, reporting on violations so they would not have to carry out the sanctions imposed by the act.

There apparently was no mention by the President that the bill provides for very generous waiver authority: he can waive the sanc-

tions for national security reasons or if doing so would advance the objectives of the act.

What the President and the State Department fear the most about this bill is the fact that it requires them to look at the facts and take action. He wants to continue appeasing governments even when they are perpetrating evil.

President Clinton made his remarks when he stopped by a meeting with prominent evangelical leaders. He went on to describe President Jiang Zemin as a person who "knows a lot about Christianity in China" He "understands the issue," the President said.

Let me remind you that President Jiang Zemin is the President of a country which systematically imprisons Catholic bishops and priests, imprisons Protestant pastors and laypeople, tortures Tibetan Buddhist monks and nuns and sends its security forces to break up underground worship services. President Jiang Zemin rules a country that uses brave dissidents as pawns in ego-politics—releasing prominent dissidents in exchange for favors by the United States.

I am pleased that Wang Dan and Wei Jingsheng have been released. But it does not reflect progress. The Chinese government has not released Pastor Peter Xu, one of China's most prominent house church leaders; Bishop Zeng Jingmu, a 77-year-old Roman Catholic bishop; or the Panchen Lama chosen by the Dalai Lama, a 5 year-old boy who has not been seen or heard from for over two years. All of these individuals were on the list of thirty prisoners raised by the recent, and highly-touted, religious leader's delegation to China. Not one of the thirty religious prisoners have been released since the delegation's visit.

Sure Jiang Zemin knows about Christianity—he knows how to repress it.

There is a growing movement in the United States demanding that the U.S. government take action against governments that persecute religious believers. That is what President Clinton fears the most—having to take action. To avoid action, he says the administration will be forced to "fudge" the facts. What an abomination.

But there is another issue that I wanted to bring to my colleagues attention. The efforts being waged by USA\*Engage and some top-dollar Washington lobbyists to defeat the Freedom from Religious Persecution Act by trying to manipulate prominent American religious leaders. I urge all my colleagues to read the recent article in Mother Jones magazine that I am submitting for the record.

Mr. Speaker, I am really saddened by this action. It is so disappointing to see what has been taking place and to what lengths some will go to defeat a bill which seeks only to help people being persecuted for their faith. Catholic bishops and priests are in jail in China. Tibetan Buddhist monks and nuns are being tortured in Tibet. Bahai's are being persecuted in Iran. Muslims and Christians are being persecuted in Sudan. Yet, the lobbying beat goes on. What a sad commentary.

I believe it is entirely inappropriate to manipulate American religious leaders. Yet, according to the article, that appears to be what is happening. One USA\*Engage memo obtained by *Mother Jones* describes how company X is assigned to talk to one of this country's most well known religious leaders and company Y is assigned to talk to another prominent leader. It goes on. How disappointing.

Suffering Catholics, Protestants and Muslims in China do not have top-dollar Washington lobbyists. Christian slaves in Sudan cannot hire K Street law firms. Tibetan Buddhists have no funds to launch slick PR campaigns.

The Freedom from Religious Persecution Act is about them. Who speaks for them?

I have been to many of those countries.

I have spoken to many persecuted people. Almost everywhere I go I hear over and over—please speak out for us. We cannot speak for ourselves. We are voiceless, powerless minorities who are being victimized by powerful governments. If the American government does not speak for us, who will?

H.R. 2431 is not about trade—it's about taking away taxpayer subsidies (including taxpayer subsidized trade) from governments that persecute people of faith.

H.R. 2431 does not cut off non-humanitarian aid to countries until they are engaged in "widespread, ongoing" and particularly severe kinds of persecution. In the face of killing, rape, torture, imprisonment, enslavement and other violent action, how can the President tell the American people that the United States government will continue trying to "understand" their point of view?

Passage of this bill is important to help those who suffer for their faith.

Madam Speaker, I submit the following article for the RECORD:

[From the New York Times, Apr. 27, 1998]

CLINTON ARGUES FOR "FLEXIBILITY" OVER SANCTIONS—U.S. TEMPTED TO "FUDGE" ON REPRESSIVE NATIONS

(By Elaine Sciolino)

WASHINGTON, April 27.—President Clinton criticized laws today that automatically impose sanctions on countries for behavior that Americans find unacceptable. He said such legislation put pressure on the executive branch to "fudge," or overlook, violations so that it would not have to carry out the sanctions.

Mr. Clinton made his unusually frank remarks during an appearance before a group of about 60 evangelical Christian leaders at the White House. They were meeting with Samuel R. Berger, the national security adviser, in the Roosevelt Room.

Specifically, Mr. Clinton asked the group to withdraw its support for pending legislation that aims to reduce religious persecution overseas by imposing trade and aid sanctions on repressive regimes.

Last week the House International Relations Committee approved, by 31 to 5, a bill that would impose export and aid sanctions on countries that endorse or permit violent attacks on religious believers. Among other provisions, the sanctions would ban imports from such countries, prohibit loans by multilateral institutions and make it easier for victims of religious persecution overseas to qualify for asylum or refugee status.

Mr. Clinton made clear to the visitors just how difficult it is for his Administration to produce honest analyses about a country's behavior when Congress passes laws that require sanctions the moment a country violates what Congress defines as good behavior. Legislators weigh in on issues including human rights, drug cooperation and efforts to stop the spread of nuclear weapons.

The President singled out punitive legislation against Russia, Iran and Cuba as examples of Congressional initiatives that boxed him in.

"What always happens if you have automatic sanctions legislation," he said, "is it puts enormous pressure on whoever is in the executive branch to fudge an evaluation of

the facts of what is going on. And that's not what you want. What you want is to leave the President some flexibility, including the ability to impose sanctions, some flexibility with a range of appropriate reactions."

Later he repeated the point, saying that automatic sanctioning "creates an enormous amount of pressure in the bowels of the bureaucracy to fudge the finding."

Mr. Clinton did not say whether the Administration had ever "fudged" the facts to avoid imposing sanctions.

But the Clinton Administration, like its predecessors, has been criticized for ignoring or excusing obvious violations of United States sanction laws to justify continuing to do business with certain countries.

Earlier this year, for example, the Administration certified that Mexico, America's second-largest trading partner, was fully cooperating in antidrug efforts despite evidence to the contrary that could have required economic sanctions.

Some lawmakers and arms-control experts have criticized the Administration for not imposing sanctions on China for its sale of germ warfare equipment to Iran and its continued nuclear cooperation with Iran and Pakistan.

In addition, American lawmakers have threatened to improve economic sanctions on Russian enterprises that aid Iran's missile program if Russia does not fulfill its pledges to block the assistance. The Administration has strongly opposed the move.

It has also been cautious in declaring that some foreign companies are trafficking in formerly American-held property in Cuba. Such a declaration would automatically hamper the companies' operations in the United States and their executives' ability to enter the country.

As for Iran, the Administration has avoided deciding whether to impose sanctions against countries or companies that invest heavily in its oil sector, despite legislation requiring the United States to do so.

Mr. Clinton's remarks provided a rare opportunity to observe him in a private setting in which he did not expect reporters to be present.

The meeting was not listed on his public schedule, and he was told only later that a reporter had been invited to attend.

During the meeting, the president of the National Association of Evangelicals, Don Argue, told Mr. Clinton, "These are praying people," and asked how the group's members should pray for him.

The President asked that they never say a prayer for him that they didn't say for his family as well.

The he added, "I'll tell you what the prayer I say every night is: 'To be made an instrument of God's peace, to have the words in my mouth and the meditations in my heart and to be on God's side.' That's about as good as I can do here."

Mr. Clinton also shared a story about his daughter, Chelsea, freshman at Stanford University. He said she often logged on to the Internet in the evening and called him to ask him about something she had read in the early edition of the next day's newspaper.

"She knows I work late," Mr. Clinton said. "So some night at a quarter to one or something, the phone rings. It's Chelsea."

In his remarks, Mr. Clinton also unabashedly boasted that American religious freedom should be the model for countries that persecute their people over religious beliefs.

"The only answer for any of these countries is to basically have a system that America has," Mr. Clinton said. "I've always tried to be a little bit careful about telling anybody that we know best about everything."

But, he added, in this case, "we know best."

Still, he waxed philosophical about the need to understand other countries' "historical nightmares" before judging them too harshly.

"It's also important when you deal with a country to know what its historic bad dreams are," he said.

America's bad dream goes back to the Civil War, he said. Russia's goes back to invasions by Napoleon and Hitler, and China's goes back to internal disintegration.

In trying to persuade Russia that the eastward expansion of NATO was not a threat, for example, Mr. Clinton explained: "You know that NATO would never invade Russia, and it's not rational from our point of view. But then, America was never invaded by Hitler or Napoleon."

Mr. Clinton also described President Jiang Zemin of China as a leader who understands the concerns of the United States and "knows a lot about Christianity" in China. "I think he understands this issue and I think that if we just keep pushing along, I think that he will be more likely than not to advance it," Mr. Clinton said.

He added that he had spent "a lot of time" coaching Mr. Jiang during his trip to Washington last year on how to handle their joint news conference.

Mr. Clinton said he had told Mr. Jiang, "You've got to learn how to smile when they hit you right between the eyes."

"I said, 'That's the way we do it over here.'"

[From Mother Jones, May/June 1998]

SO YOU WANT TO TRADE WITH A DICTATOR

(By Ken Silverstein)

Americans may be fickle when it comes to politics, but as politicians and moviemakers know full well, there's one reliable "gimme": We hate dictators. Tyrants, autocrats, despots—we just don't like them.

So imagine how tough it would be to build a public campaign promoting trade with countries such as Iran, Burma, or Nigeria, whose dictatorial regimes have horrible human rights records. That's the challenge for a coalition of the nation's biggest corporate exporters, including aerospace titan Boeing; construction equipment giant Caterpillar; the country's biggest oil companies, including Unocal, Chevron, Mobil, and Texaco; and other Fortune 500 firms such as IBM and Motorola.

All have money to make overseas, and economic sanctions are just another obstacle. Now the coalition, led by its front group, USA\*Engage, will have its two big shots at success.

For starters, it plans to file a lawsuit to overturn the "selective purchasing" laws that have sprung up in 18 different cities across the U.S. banning government contract work from being awarded to companies that trade with tyrannical regimes. More impressively, they have already managed to have a bill introduced in Congress—which appears to have been drafted by their own lobbyists—that would severely restrict the use of sanctions, and would pave the way for greater trade with outlaw nations. How will they convince legislators, or the voting public, that trading with dictators is good? Their strategy is detailed in a series of internal memos obtained by Mother Jones that describe how to spin the most morally questionable of campaigns—with help along the way from religious leaders and institutions such as the Rev. Billy Graham and the Catholic Church.

STEP 1—FIND YOUR SALES TEAM

The anti-sanctions drive is run out of the National Foreign Trade Council, a prominent Washington, D.C., trade association that represents the nation's 500 biggest exporters.

But when it came time for its attack on sanctions, the NFTC needed a cover—provided, preferably, by someone who was liberal, popular, and well-connected. So in early 1997, it hired Anne L. Wexler, who heads the Wexler Group, and recently was ranked one of the capital's 10 most influential lobbyists by Washingtonian magazine.

The ultimate power broker, Wexler has Beltway access to burn, and her liberal credentials include working as a campaign organizer for Eugene McCarthy's 1968 presidential race, doing a stint as a consultant for the government watchdog group Common Cause, and serving, from 1975 to 1977, as the associate publisher of Rolling Stone during its muckraking heyday. Wexler followed that with a job as a top aide in Jimmy Carter's White House before launching her political consultancy, which boasts executives with close ties to President Clinton (Betsey Wright, his chief of staff when he was governor) and to Newt Gingrich (former Pennsylvania Republican Rep. Bob Walker, formerly a close Gingrich ally).

Wexler may have come far from her days as a war protester, but her lobbying efforts still carry a liberal spin. Arguing against sanctions, she says that because they limit investment opportunities for business, "the only people they end up hurting are U.S. workers."

The NFTC also lined up important politicians on both sides of Washington's revolving door. It signed up seven lobbyists from Hogan & Hartson. One of them, Republican Clayton Yeutter, while acting as President Reagan's U.S. Trade representative, threatened trade sanctions against Southeast Asian countries that did not open their markets to American tobacco companies.

Another of the group's lobbyists, former Rep. Michael Barnes, a Democrat, demanded that sanctions be imposed on Haiti in 1994 when he worked as a lobbyist for ousted president Jean-Bertrand Aristide. During the first half of 1997 alone the NFTC paid \$340,000 to Hogan & Hartson for its campaign against sanctions.

The NFTC also made sure to cement a relationship with a key State Department official, Undersecretary of State Stuart Eizenstat—who chairs the sanctions review team created last year by the State Department—by retaining his former law firm, Powell Goldstein.

#### STEP 2—PUT ON A HAPPY FACE

With its lobbying army in place, the NFTC next needed to start a front group to head the anti-sanctions drive. Engineered by the Wexler Group, USA\*Engage was officially unveiled at an April 1997 press conference, during which it portrayed itself as a dynamic "broad-based coalition representing Americans from all regions, sectors, and segments of our society." The address on USA\*Engage's letterhead belongs to the Wexler Group, which is also where the number listed for USA\*Engage rings (though callers are routed around the Wexler Group's main switchboard).

In its literature, USA\*Engage claims to have more than 600 members. But when contacted, several of the smaller companies listed on its roster responded with puzzlement. Tim Hussey, president and CEO of Hussey Seating of Maine, said he had no idea what USA\*Engage was. Richard Gravenhorst, co-owner of Reco Industries, a Louisiana road equipment company, also didn't know about USA\*Engage, replying that his firm had little international business. Sanctions, he said, "[are] certainly not one of our priorities."

When he is asked about USA\*Engage's bloated membership, Frank Kittredge, the NFTC president who doubles as the group's

vice chairman, admits that no more than 50 to 100 companies are active participants. "USA\*Engage was formed because a lot of companies are not anxious to be spotlighted as supporters of countries like Iran or Burma," he says. "The way to avoid that is to band together in a coalition."

So who is behind USA\*Engage? The oil industry, for one. Unocal's chief Washington lobbyist, Jack Rafuse, chairs USA\*Engage's State and Local Sanctions Committee. Unocal co-owns a billion-dollar natural gas pipeline in Burma, and one of its partners is Burma's State Law and Order Restoration Council (SLORC), the military dictatorship that the State Department says used slave labor to help build the pipeline. Jefferson Watterman International, a Beltway firm that lobbies for Burma, is also a member.

USA\*Engage members also include Mobil and Texaco—both of which have major investments in Nigeria and have lobbied to prevent strong sanctions against Gen. Sani Abacha's regime, despite its having imprisoned 7,000 people without charge and, among other atrocities, having executed protester and writer Ken Saro-Wiwa.

USA\*Engage's chairman, William Lane, is the Washington director for Caterpillar, a company that has obvious reasons for belong to the coalition. It has its own Burmese dealership, and has business in other nations threatened with or currently under U.S. sanctions, including Sudan, Indonesia, Colombia, and Nigeria. Other USA\*Engage members have just as much incentive for wanting to trade with dictators. Boeing, for instance, has long battled the government's threatened sanctions against China, where it sold one-tenth of its airplanes between 1992 and 1994. Another group of coalition members—including Westinghouse and ABB—has been pressing the Clinton administration to lift a ban on nuclear power exports to Beijing.

#### STEP 3—CALL IN THE RENT-A-SCHOLARS

Once USA\*Engage was formed, coalition leaders quickly turned to a web of Beltway think tanks and scholars to provide the sanctions drive with badly needed intellectual ammunition.

The Institute for International Economics (IIE) prepared a study in 1997, released at USA\*Engage's debut press conference, which states that sanctions cost the U.S. economy \$15-\$20 billion, and caused the loss of 250,000 jobs in 1995 alone. The study, confirms an IIE sanctions specialist, Kimberly Elliott, was funded "in part" by the NFTC.

Georgetown University law school professor Barry Carter authored another study, paid for by the National Association of Manufacturers (NAM), a USA\*Engage member. When it came out, NAM trumpeted the findings, saying the study showed that sanctions come "with a steep price tag for U.S. commercial interests." The coalition also uses reports from prominent think tanks such as the Cato Institute, the Center for Strategic and International Studies, and the Center for the Study of American Business to arm itself with intellectual firepower. All have received funding from companies that belong to USA\*Engage.

#### STEP 4—GET RELIGION, KILL THINE ENEMIES

Once USA\*Engage had its research studies in hand, it figured it would have an easier time convincing Congress to lift trade sanctions. But then the coalition faced a new enemy, one that any economic analyst would have a tough time countering: The God Lobby.

In May 1997, Rep. Frank Wolf (R-Va.) and Sen. Arlen Specter (R-Pa.) introduced the Freedom from Religious Persecution Act, which would slap mild sanctions on nations that persecute religious groups as a matter

of government policy. The bill boasted a remarkable lineup of organizations that testified on its behalf—from the Christian Coalition to Amnesty International—and had strong backing from the Republican leadership.

USA\*Engage sprang into action. On August 29, 1997, Don Deline of Dallas-based Halliburton, a USA\*Engage member and the world's second-largest oil field services company, sent a memo to coalition members outlining the group's strategy to defeat the Wolf-Specter bill.

The plan: fight fire with hellfire. According to the memo, Deline met with two officials at the State Department, Deputy Assistant Secretary Bill Ramsay and David Moran, the director of the Office of Economic Sanctions Policy, who both told him they didn't like the bill but were "constrained for obvious reasons in how active they believe they can be in opposing them." Similarly, they suggested that business leaders would be unsuccessful opposing the bill publicly. Instead, they suggest, "religious leaders and organizations should take the lead for best results."

The resulting USA\*Engage strategy matched members with key religious leaders. Specifically, Deline wrote, "Boeing will contact Rev. Billy Graham; Marjorie Churlins will contact Drew Christian," whose last name is actually Christiansen, and who represented the U.S. Catholic Conference, the Vatican's organizational arm in the United States.

When asked whether USA\*Engage ever tried to get religious leaders to speak out against the Wolf-Specter bill, Deline admitted that the group had "low-key" conversations with religious leaders, but says that was it. "Nobody that I know of is shoving religious leaders out front for their personal gain," he says. Churlins, a lobbyist for Motorola, confirms that she did speak with Drew Christiansen about Wolf-Specter, but then adds her own, nearly identical qualifier: "Business is not pushing religious leaders out there."

Says Churlins, "I talk to different organizations and communities because I want dialogue, not to push them out front."

Both Graham and Christiansen eventually did come out against the religious persecution act—just as planned in the memo. Graham traditionally has ignored human rights conditions in the countries, such as China, where he preaches. He also joined Boeing last year in urging Congress to extend China's Most Favored Nation trade status.

And two weeks after Deline's memo, Christiansen, speaking before a House International Relations Committee hearing on the bill, said the U.S. Catholic Conference recommended being "cautious and deliberate in invoking [sanctions] as a remedy in public affairs." Christiansen then made two proposals that came straight out of USA\*Engage's playbook: He suggested that the government require extensive public review before imposing sanctions, and advocated that the proposed presidential waiver included in the bill be extended.

Brian F. O'Connell of Interdev, a Seattle-area evangelical group, who also opposes Wolf-Specter, told Mother Jones that a Washington, D.C.-based business group—he won't say which but confirms that he talked to people from USA\*Engage about Wolf-Specter—wanted to fly him to Washington to testify against the bill. O'Connell, however, declined the offer.

Gregg Wooding, a spokesman for the Billy Graham Evangelical Association, says Graham would not comment on this story because "he's not a politician and doesn't like to talk about politics." Christiansen also declined to be interviewed.

Ultimately, Congress deferred further consideration of the bill, and it was eventually rewritten to narrow the chances of sanctions and broaden the presidential waiver. A report sent out from Wexler's office to coalition members in February boasted that "USA\*Engage is widely credited for the failure of [Wolf-Specter] to come to a vote in 1997."

#### STEP 5—WRITE YOUR OWN BILL

Now, having at least temporarily dispatched Wolf-Specter, USA\*Engage was ready to put together its very own sanctions "reform" bill. The coalition quickly signed up two Hoosier friends in Congress to sponsor the legislation: Republican Sen. Richard Lugar, of the Senate Foreign Relations Committee, and Democratic Rep. Lee Hamilton, the ranking Democrat on the House International Relations Committee.

When initially asked about her company's role in moving the legislation forward, Wexler replies, "We don't lobby." When pressed, she concedes that her firm "worked closely" with members of Congress who worked on the legislation "so I guess we do lobby." However, she says firmly, "That bill was written on the Hill."

But a USA\*Engage lobbyist memo suggests that the role Hamilton and Lugar played in sponsoring the legislation was largely ceremonial, and that it was the lobbyists who drafted the bill. In a memo dated September 4, less than two months before the bill's introduction, the Wexler Group's Erika Moritsugu wrote Richard Lehmann, a lobbyist for coalition member IBM, telling him that he would be receiving more information from her as soon as "we work to finalize the bill language." According to the memo, Wexler's people were also planning "a target date for introducing the bill" and even drafting the "Dear Colleague" letters that lawmakers send out to their peers to build support for legislation.

In the memo, Moritsugu also thanked Lehmann for contacting Rep. Jim Kolbe (R-Ariz.). According to other memos, the Wexler Group sent out requests to coalition members asking them to fax in summaries on their progress finding co-sponsors for the legislation. Wexler used this "Co-Sponsorship Meeting Response Form" to keep track of how far USA\*Engage's tentacles had spread throughout Congress. In the case of Lehmann, they went far: Kolbe signed on as a co-sponsor of the House bill.

On October 23, Hamilton introduced the Enhancement of Trade, Security, and Human Rights through Sanctions Reform Act in the House (Lugar followed suit in the Senate early the following month). The bill would protect overseas contracts signed at the time sanctions are imposed and would require that sanctions expire after two years unless specifically reauthorized.

The legislation also makes the process of imposing sanctions a bureaucratic nightmare while specifically exempting restrictions on the use of measures "imposed to remedy unfair trade practices." In other words, says Mark Anderson, a union officer at the Food and Allied Service Trades who closely monitors USA\*Engage, "sanctions are just fine if the economic interests of a company are threatened by intellectual property theft or expropriation, but they should not be imposed if a dictatorship is killing its people or depriving workers of their rights."

Meanwhile, the law firm Hogan & Hartson has been scheduling meetings between leading members of USA\*Engage and congressional staffers. A series of three internal campaign memos from last fall urged key coalition members to attend engagements set up with a number of Capitol Hill offices, including the Senate Finance Committee.

#### STEP 6—SEIZE CONTROL

With Congress about to consider the bills, the future looks sunny for USA\*Engage. The group mailed out a progress report to member companies stating that the coalition had "surpassed its 1997 goals across the board." Furthermore, USA\*Engage's "continuous and aggressive media education effort" has paid rich dividends. According to the report, of the 242 newspaper editorials written on the sanctions issue since USA\*Engage's founding last year, 180 had been favorable to the coalition, 36 were neutral, and only 26 were hostile.

The progress report also urged supporters not to let up, mentioning that "member companies are currently deeply involved" in recruiting more co-sponsors for the Hamilton-Lugar legislation, which already boasts 10 senators and 14 House members.

There's also good news for one of USA\*Engage's congressional partners. While Hamilton will retire at the end of his term, Lugar will be up for re-election in 2000 and is apparently tapping into USA\*Engage's membership lists. A member of the coalition, who asked to remain anonymous, says that after joining USA\*Engage he received an invitation charging a \$1,000-a-head fee to a fundraiser for Lugar in March at Washington's exclusive Monocle restaurant.

Along with the sparks that will occur when Congress debates the legislation, coalition members can expect a howl from human rights advocates, such as Simon Billenness of Franklin Research & Development Corp., a progressive investment firm in Boston, who notes the importance economic sanctions played in ending South Africa's apartheid regime. "If USA\*Engage had succeeded with these tactics during the apartheid years, Nelson Mandela might still be in prison," he says.

But they can also expect support from sources higher up—and even more important than Billy Graham. The Clinton administration is highly sympathetic to USA\*Engage's cause, especially the State Department's sanction review team, headed by Wexler contact Stuart Eizenstat.

As the anti-sanctions laws work their way through Congress, according to the progress report, USA\*Engage will assist Eizenstat in dealing with any problems that might arise, such as the weak drug policies in Mexico and Colombia, and the upcoming Nigerian elections—rigged in advance by the country's generals. These cases, the report warns, "may result in a call for sanctions."

Not to worry. Eizenstat's sanctions review committee will have a strong say in such matters and, the report assures, "USA\*Engage has encouraged this effort from the outset and will provide private sector input as it unfolds."

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 36 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska) at 2 p.m.

#### PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Your bounty of blessings is with us, O God, and Your grace is Your free gift. From our beginnings, Your strong arm has strengthened us, and Your benedictions have given us hope. In response to Your favor toward us, we have not always answered with good works and noble deeds and have sometimes followed our own way of self-centeredness and personal advantage.

Help us, gracious God, to see more clearly the unity we share and teach us to work together for the common good. While every person differs on the particular road we should follow to accomplish our goals, yet let us in solidarity hold high those ideals and traditions and values that we hold dear and make us proud as we honor and respect each other in all we do. In Your name we pray. Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. PITTS) come forward and lead the House in the Pledge of Allegiance.

Mr. PITTS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### DOLLARS TO THE CLASSROOM ACT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the Department of Education is currently spending Federal tax dollars funding the closed captioning of the Jerry Springer Show. Unbelievable. Since when does this talk show have anything to do with teaching our kids basic math, reading, writing, science, or history? Not only does the Jerry Springer show not improve American education, but over the past few months, it has done seven shows on premarital or adulterous relationships with titles such as "I am Having Your Man's Baby".

They have produced another seven shows on the Ku Klux Klan, such as "I am a Breeder for the Klan" and "Christmas with the Klan". They had eight shows on prostitution, such as "I am a 13 Year Old Prostitute" and "My Wife wants to be a Call Girl".

If you believe that Federal education tax dollars should be made available to kids in classrooms instead of providing access to programs on prostitution, racism and polygamy, then I urge the Members to support the Dollars to the Classroom Act. This bill block grants 30 Federal education programs requiring 95 cents of every dollar go to classroom use.

#### REFORM THE IRS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the IRS is trying to kill reform. They are bringing out the big guns, Congress. The Treasury Department says, and I quote, whistle blowers are lying. The IRS is really doing a good job.

Unbelievable. Tell that to the families of Alex Consul and Bruce Baron, both of whom committed suicide. Tell me, how many more Americans must commit suicide? How many more American families must be destroyed? Who is kidding whom? The tail is wagging the dog in America, and Uncle Sam is now barking the praises of the IRS. Beam me up, Mr. Speaker.

No American should fear our government. The most important thing the Congress of the United States can do this year is reform the IRS. With that, I yield back any guts left in this great, august deliberative body.

#### SUPPORT RESOLUTION TO HELP STATES COMPLY WITH MEGAN'S LAW

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, I rise today to talk about a very important issue I think to every American, especially American families who have children.

Two years ago, Congress passed Megan's law, which requires States to develop programs to notify communities when sexual predators have been released into their neighborhoods. To date, 45 States have done that.

But I must report that not every State is doing the kind of job that I think needs to be done. In fact, recently, NBC News did a special, and they found in one precinct 222 released sex offenders were living in that one ZIP code. The bad news is that none of the neighbors, none of the families, none of the parents knew who they are or where they were living.

Mr. Speaker, the time has come for Congress to provide some additional leadership to the States. As a result, I have introduced a resolution in the House, and soon it will be introduced in the Senate as well, a resolution which will help States to comply with the requirements under Megan's law, to make it easier for States to comply

and notify communities, to notify neighborhoods, and to notify families when sex offenders are moving into their neighborhoods. I encourage my colleagues to join me in this effort by cosponsoring this important resolution.

#### TRIBUTE TO SHARON AINSLIE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, after many years of being a father figure to a couple hundred teenagers, Sandy Ainslie is retiring as the Headmaster at Episcopal High School in Alexandria, Virginia.

Much credit should and will be given to Sandy Ainslie for his many years of service, but I am here to honor his hard-working, always smiling, wife Sharon. Sharon has worked alongside Sandy through many years of trials and tribulations. She has raised money for the school and helped upgrade the school's facilities and made it a reality that all students attending Episcopal have their own computer. She has helped to instill in these young minds integrity, honesty, and values that will help enable them to prosper in today's ever-changing world.

While always keeping a loving and warm personality, Sharon has supported her husband and the many students of Episcopal High School for many years. So today it is Sharon we honor for her many years of dedication for our youth of tomorrow. Both Sharon and Sandy will be missed by the students, faculty, and alumni all.

#### SUPPORT SCHOOL CHOICE FOR AMERICA'S FUTURE

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, it is sad to say, but America's children are not receiving the education they need and deserve. I believe that we are facing this grim situation because parents, unfortunately, have been edged out of the system.

For years and years, the Federal Government has tried to solve educational problems. In fact, the Federal Department of Education has spent over \$444 billion since its establishment in 1980, but it has failed our children. Adding more bureaucrats and ignoring parents and teachers is not the solution.

The Federal Government has had its turn. The solution is to put education decisions back in the hands of parents and teachers where education belongs. It is time to truly repair our damaged education system and to empower parents to choose the school that is best for their children. Support school choice for America's future.

#### INTERIOR DEPARTMENT NOT MAKING GREAT STRIDES IN IMPLEMENTING RESULTS ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the Interior Department says that it has been making great strides in implementing the Results Act. That is a 1993 law which requires Federal agencies to define their missions, set goals, and plan how to meet those goals, and specifically measure agency progress.

Great strides? In a recent audit by the GAO, the Interior Department received a 29 out of a possible 100. That is right, 29. It has been a while since I have been in school, but I cannot imagine the kind of bell curve that would make 29 a passing grade. Even the Interior Department's own independent acting IG says their plans do not provide a clear picture of the intended performance.

With approximately 87 percent of Nevada being managed by the Federal Government, this news only bolsters and solidifies the fact that the Department is in desperate need of a tutor. A 29 is not great strides. It is not a giant step. A 29 is a huge step backwards.

The only bright side to this is that they have plenty of room for improvement. The school bell has rung, recess time is over, and the Interior Department needs to return to class.

#### NATIONAL CHILD ABUSE PREVENTION MONTH

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, April is National Child Abuse Prevention Month. Communities that care about their children and families can and do work together to find solutions to tough problems. It is because of the partnership of a community in my district and a community in another county that I come before you today.

The Talmud says that he who saves one life saves the world entire. On April 13, nine-year-old Amber from Webster, Texas, was abducted and sexually assaulted. Within 24 hours after her abduction, Amber was found, and the assailant was placed into custody by the Harrison County Deputy Sheriff, Claire Martinez. Today, I would like to commend the Friendswood Police Department and Deputy Martinez for their great work in apprehending the suspect.

Within minutes after Amber's mother reported the abduction, the Webster and Friendswood Police Departments quickly organized themselves and responded to the situation. The result is that nine-year-old Amber is still alive. If the Friendswood Police Department had not developed a procedure for dealing with abductions, the result may have been quite different. The response

by these agencies is commendable, needs to be a model throughout the Nation.

I would ask that Members wear these little blue ribbons today.

#### WHITE HOUSE NOT COOPERATING WITH INVESTIGATIONS

(Mr. BRADY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADY. Mr. Speaker, I sometimes wonder why investigations take so long around here. Maybe you do as well. I know that the White House has insisted that they are cooperating fully with the various investigations and investigators charged with finding out the truth about the illegal campaign contributions in the last elections. But I think I now know why we are having so much trouble getting there.

There are 92 witnesses, that is 92 witnesses have either fled the country or taken the fifth amendment, refused to testify. When you are not afraid to tell the truth, if there is nothing to hide, why would 92 American citizens flee this country or hide behind the fifth amendment?

When the FBI director, Louis Freeh, was asked last year if he had ever seen this before, the only similarity he could draw was during the 16 years he spent investigating organized crime cases. I do not know if this is organized crime, but I know the White House is saying it is cooperating fully, but no one is cooperating.

#### CAMPAIGN FINANCE REFORM INVESTIGATION STYMIED AT EVERY TURN

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, during the past few days, we have heard a lot about the ability to hear from witnesses in an objective investigation of the facts surrounding campaign financing. All I hear from the Democrats is that Congress must vote on campaign finance reform.

Well, my committee, the Committee on Government Reform and Oversight, is trying to find out what is wrong with campaign financing. But our investigation had been stymied at every single turn. There are witnesses who have been unavailable to the committee, 46 witnesses who have refused to testify, asserting protections against self-incrimination, and 12 witnesses who have fled the country.

Incredibly, the Democrats on the committee have refused to allow immunity for witnesses that Janet Reno, the Attorney General, says should have immunity. Mr. Speaker, this will prevent us from hearing from those witnesses. My question to the Democrats is this: What are you attempting to hide?

#### NATIONAL SECURITY DEMONSTRATION SET FOR WEDNESDAY AND THURSDAY

(Mr. WELDON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, to begin the markup of the National Defense Authorization bill this week, I want to call to the attention of our colleagues two significant events that will take place tomorrow and Thursday involving national security and threats from weapons of mass destruction.

All day tomorrow in the Rayburn courtyard, we will have a full demonstration of one of our leading new technologies, the Theater High Altitude Area Defense system as well as a Scud missile, the type of missile that killed our 28 troops in Saudi Arabia just 7 years ago. I would encourage our colleagues to visit that exhibit.

On Thursday, we will have 2,000 fire and EMS leaders from across the country assemble in Washington. At noon, we will have a major rally outside the doors of this Chamber to focus on the need for first responders to get full attention and focus as we plus-up money to respond to terrorist acts involving weapons of mass destruction nationwide.

I would encourage our colleagues to visit both events and to become active participants in the rally and the event from our fire and EMS leaders from all of our 50 States.

□ 1415

#### ELIMINATE THE MARRIAGE TAX PENALTY NOW

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, the question today is, why pass the Marriage Tax Elimination Act? I believe this series of questions best illustrates why.

Do Americans feel that it is fair that working married couples with two incomes pay higher taxes just because they are married? Do Americans feel that it is fair that 21 million married working couples pay, on the average, \$1,400 more just because they are married than an identical couple with an identical income living together outside of marriage? Do Americans feel that it is fair that our Tax Code actually provides an incentive to get divorced?

Of course not. That is wrong, and that is why elimination of the marriage tax penalty is so important.

If we think about it, 21 million married working couples, 42 million Americans, pay on the average of \$1,400 more just because they are married. That is one year's tuition at Joliet Junior College in the south suburbs of Chicago; three months in a local day care center. It is real money for real people.

Mr. Speaker, let us eliminate the marriage penalty. Let us eliminate it now.

#### CONGRESS SHOULD MOVE AGGRESSIVELY TO PUT SOCIAL SECURITY FIRST

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, a word on Social Security. Today the Social Security trustees released the annual report on their new projections when Social Security runs short of money to pay benefits. Because of the economic growth, because of the good economy with more jobs and higher incomes, they are now projecting that we are going to have an extra year or so before Social Security has less tax revenue coming in than is required to pay benefits. We still have a very, very serious problem.

Mr. Speaker, I urge my colleagues in the House and the Senate, I urge the President not to use this as an excuse to delay and put off and not deal with the serious problems of Social Security. The current good economy is an opportunity to move ahead with long term solutions giving more flexibility for transition.

Mr. Speaker, Social Security is one of the important problems that is facing us right now with an unfunded liability of over \$3 trillion. Let us move ahead aggressively with a solution and really put Social Security first.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded voted or the yeas and the nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

#### RHINO AND TIGER PRODUCT LABELING ACT

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2807) to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger, as amended.

The Clerk read as follows:

H.R. 2807

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Rhino and Tiger Product Labeling Act".



**SEC. 2. PROHIBITION ON SALE, IMPORTATION, AND EXPORTATION OF PRODUCTS LABELED AS CONTAINING A SUBSTANCE DERIVED FROM RHINOCEROS OR TIGER.**

(a) FINDINGS.—The Congress finds the following:

(1) The populations of several magnificent and unique endangered species of rhinoceros and tigers, such as the Indian rhinoceros, the Javan rhinoceros, the African black rhinoceros, and all of the tiger subspecies, continue to decline.

(2) Growing demand throughout the world for wildlife and wildlife parts and products has created a market in which commercial exploitation has threatened certain rhinoceros and tiger populations.

(3) There are insufficient legal mechanisms enabling the United States Fish and Wildlife Service to forcefully interdict products that are labeled as containing substances derived from rhinoceros or tiger species and prosecute the merchandisers for sale or display of those products.

(4) Although approximately 77,000 import and export shipments occur annually in the United States, the United States Fish and Wildlife Service is able to maintain only 92 wildlife inspectors at 30 ports of entry, including 13 designated ports, to monitor the shipments.

(5) Wildlife inspectors are able to physically inspect only an estimated 5 to 10 percent of all import and export shipments, making the rate of detection of contraband wildlife products extremely low.

(6) Alternatives are available to the traditional medicinal products that contain substances derived from rhinoceros and tiger species.

(7) Public education initiatives directed toward traditional user groups on the endangered status of rhinoceros and tiger species and on the availability of alternative products in traditional medicine have proven useful in reducing the demand for products labeled as containing substances derived from rhinoceros and tiger species, and should be encouraged.

(b) PROHIBITION, PENALTIES, AND ENFORCEMENT.—The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) is amended by redesignating section 7 as section 8, and by inserting after section 6 the following:

**“SEC. 7. PROHIBITION RELATING TO PRODUCTS CONTAINING OR PURPORTING TO CONTAIN ANY SUBSTANCE DERIVED FROM A RHINOCEROS OR TIGER SPECIES.**

“(a) PROHIBITION.—No person shall sell, import, or export, or attempt to sell, import, or export any product, item, or substance intended for human consumption containing or purporting to contain any substance derived from any species of rhinoceros or tiger.

“(b) PENALTIES.—

“(1) CRIMINAL PENALTY.—Any person who knowingly violates subsection (a) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both.

“(2) CIVIL PENALTIES.—Any person who knowingly violates, and any person engaged in business as an importer, distributor, or retailer of products, items, or substances purporting to contain substances derived from any species of rhinoceros or tiger who violates subsection (a) may be assessed a civil penalty by the Secretary of not more than \$25,000 for each violation. A civil penalty under this paragraph shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

“(c) FORFEITURES.—Any product, item, or substance sold, imported, or exported, or at-

tempted to be sold, imported, or exported, contrary to the provisions of this Act or any regulation made pursuant thereto shall be seized and forfeited to the United States. All equipment, vessels, vehicles, aircraft, and other means of transportation used to aid the selling, exporting, or importing, or an attempt to sell, export, or import, of any product, item, or substance in violation of this Act or any regulation issued pursuant to this Act, may be seized and forfeited to the United States. All laws relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeiture, shall apply to the seizures and forfeitures incurred under this Act, insofar as those laws are applicable and not inconsistent with this Act.

“(d) REGULATIONS.—The Secretary, after consultation with the Secretary of the Treasury, the Secretary of Health and Human Services, and the United States Trade Representative, shall prescribe regulations that are necessary and appropriate to carry out the purposes of this Act.

“(e) ENFORCEMENT.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this Act in the same manner such Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).”

(c) DEFINITION OF PERSON.—Section 4 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) is amended by—

(1) striking “and” at the end of paragraph (4);

(2) striking the period at the end of paragraph (5) and inserting “; and”; and

(3) adding at the end the following:

“(6) ‘person’ means—

“(A) an individual, corporation, partnership, trust, association, or other private entity;

“(B) an officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or political subdivision of a State, or of any foreign government;

“(C) a State, municipality, or political subdivision of a State; or

“(D) any other entity subject to the jurisdiction of the United States.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SAXTON asked and was given permission to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, I am pleased that the House is now considering H.R. 2807, a bill which I introduced with the gentleman from California (Mr. MILLER) entitled the Rhinoceros and Tiger Product Labeling Act.

The fundamental goals of this measure are to eliminate the U.S. market for illegally obtained rhino and tiger products and, by so doing, the incentive to kill these magnificent animals.

All populations of rhinos and tigers have been listed as endangered for over 20 years. Despite this fact, there are thousands of prepackaged oriental medicines sitting on pharmacy shelves

throughout America with labels indicating they contain parts of rhinos and tigers.

In fact, according to a recent survey conducted by the World Wildlife Fund, nearly 50 percent of the 110 shops they visited in North America offered medicines for sale containing or claiming to contain rhino and tiger parts. Investigators identified at least 31 types of rhino and tiger medicines that have been produced by 34 different manufacturers.

What is most shocking was the study conclusion that the availability of these products has greatly increased over the last 5 years, while the danger to rhinos and tigers has increased as well.

While these products are primarily manufactured in China, the U.S. has become a major market for their sale. Those who buy these medicines believe they are effective in combating pain, headaches, convulsions and other ills. Unfortunately, those practicing traditional Chinese medicine are not aware that synthetic alternatives are available and that they are directly contributing to the demise of rhinos and tigers.

The underlying problem and the primary reason law enforcement officials are not confiscating these medicines is because it is virtually impossible to conclusively prove that they contain rhino and tiger parts. It would cost thousands of dollars to perform DNA tests on each of these products, and neither the Customs Service nor the Fish and Wildlife Service has sufficient resources to even begin to undertake such a massive job.

The Rhinoceros and Tiger Product Labeling Act, which has now been cosponsored by over 40 Members, will solve that problem. Quite simply, if a label on a product says that it contains rhino and tiger parts, then we accept the truthfulness of the manufacturer's claim and stop the sale in the United States. In other words, the label is enough proof under this law. This will save the Federal Government a substantial amount of money, and it will help to ensure that rhinos and tigers can continue to survive in the wild.

During our subcommittee hearing on H.R. 2807, every witness testified in strong support of the bill and for closing the loophole in our wildlife laws. These groups include the Clinton administration, the American Zoo and Aquarium Association, the International Rhino Foundation, Safari Club International, and the World Wildlife Fund.

In his testimony, Dr. Terry Maple, the president-elect of the American Zoo and Aquarium Association, stated that passage of H.R. 2807, combined with increased appropriations for law enforcement, will certainly be a bold step by the United States in ending the slaughter of rhinoceros and tigers in the world.

I urge an “aye” vote on H.R. 2807; and I want to thank my colleagues who have joined in this effort.



Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume and rise in strong support of this legislation and thank the subcommittee chairman, the gentleman from New Jersey (Mr. SAXTON), for bringing this matter both before the committee and before the House of Representatives.

Over the course of the past hundred years, conflict with humans has brought literally thousands of species to the brink of extinction. In the past, those conflicts were often direct and bloody: the Passenger Pigeon, eliminated from this planet by hunting; great whales almost brought to the same fate by the commercial whaling industry; and the African elephant, whose numbers were decimated by greedy ivory traders.

Today's story of the rhinoceros and the tiger is a little more complicated. Perhaps the conflict is a little less direct, but it is just as bloody. Throughout their range, these two magnificent species have been brought to their knees by habitat destruction and commercial trade in the products made from their carcasses.

While the CITES convention, the Convention on International Trade and Endangered Fauna and Flora, has made great strides in controlling the international trade in rhino horn daggers and in tiger skins, these species continue to decline, due in part to the huge demand for traditional medicines using rhino and tiger products.

A few years ago, Secretary Babbitt and the Clinton administration used their authority under the Pelly Amendment to the Fisherman's Protective Act to impose economic sanctions against Taiwan for failing to control this trade. It was the right decision, and it proved to be immensely helpful in getting the Government of Taiwan to work with the international conservation community to protect these animals.

Unfortunately, the global rules of free trade now prevent the United States from using unilateral economic sanctions to protect wildlife, a lesson we have just had driven home to us by the World Trade Organization in its ruling against U.S. laws protecting the endangered sea turtles from irresponsible shrimp fishing practices.

That makes this legislation even more important. It sends a clear message that any product imported illegally or labeled as containing rhino or tiger parts will, in fact, automatically be considered as contraband. As a result, our Fish and Wildlife agents can act to seize the product and prosecute the seller, many of whom will be committing a double crime by promoting an illegal product and falsifying the contents with synthetic or other substitutes for rhino and tiger ingredients.

I would have preferred that my colleague and I were here today to debate the reauthorization of this Nation's

premier wildlife protection law, the Endangered Species Act. Unfortunately, the committee has been unable so far to move this legislation that would responsibly reauthorize a statute designed to protect hundreds of endangered and threatened species worldwide, and it now appears another Congress will pass without full consideration of this important law. Certainly, the protection afforded by the Rhinoceros and Tiger Product Labeling Act will prove invaluable to these two species. I wish we could agree to protect all the endangered species as well.

Mr. Speaker, this legislation is worthy of the support of all of the Members of the House of Representatives. Those of us who have had the opportunity to travel to some of the habitat of rhinoceros, of tigers, of even elephants, have met with government officials in Zimbabwe and other countries where we have seen the contraband that has been seized by poachers who kill these magnificent animals only for a very small part, in some cases the rhinoceros horn, in some cases they kill animals for their gallbladders, they kill them for their bones, for various body parts, and, obviously, the entire animal is decimated. It is destroyed for this trade.

When we see the kinds of risk and the kinds of money that is put into the poaching, the illegal taking of these animals, it becomes very clear that we have got to do what we can, within the laws of the United States and certainly within our international trade agreements, to now make it more and more difficult, to have sanctions on countries that look the other way while these magnificent animals are being violated. They look the other way while illegal traffic is taking part; and, in some instances, governmental officials are taking bribes to allow people to engage in this activity.

There is an effort to make sure that those who would deal and traffic in the parts of rhinos and tigers are kind of caught in a double whammy here. If they truthfully label their product for sale on the shelves of outlets in the United States, they are in violation of the law. If they mislead the public and they hide the fact it has it, they are in violation of the law.

We met and the chairman went to great lengths to meet with the traditional medicine community that assured us there were, in fact, substitutes for these parts of rhinos and tigers that are in keeping with traditional medicine. And what that means and what that tells us is that the slaughter of these animals is simply then about greed and about the illegal trafficking in the parts of these animals.

So I would hope that all my colleagues would support this legislation, and again I want to thank the gentleman from New Jersey (Mr. SAXTON) for his presentation of this bill and to all of the staff on both sides of the committee that have worked hard to bring this legislation to the floor of the

Congress. Hopefully, we will make a major contribution in reducing the illegal traffic and the absolutely unnecessary slaughter of these two magnificent creatures.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield myself the balance of my time.

As both my friend, the gentleman from California (Mr. MILLER), and I indicated earlier, there has been a broad range of support for this effort, and I want to personally thank the chairman of the Committee on Ways and Means, the gentleman from Texas (Mr. ARCHER), for his cooperation. Inasmuch as this is a trade issue, it was referred to the Committee on Ways and Means and their responsibility was waived by the chairman, and we want to thank him for that.

I also want to mention the gentleman from the other body, Mr. JEFFORDS, has been extremely effective in his leadership in the other body, and I hope that we will together be able to make strides this year in bringing this to fruition.

□ 1430

I would just like to close, Mr. Speaker, by saying that this is not just an issue that is considered here in Congress. I have here a copy of Time Magazine from, I believe, March 1994, and it features an article about this issue, and it has a picture of one of these great cats on the cover; and the headline here on the cover is "Doomed, Why the Real Tiger is on the Brink of Extinction." And it goes on at some length in the feature story to talk about tigers on the brink. "Once considered a conservation success story, they are again sliding towards extinction. This time the world's nations may not be able to save these great cats."

And that is what we are here today making an effort to do. And in the story it just points out that the levels of populations throughout that part of the world that the tigers live, that many of the species, the Siberian tiger, for example, the population is down to an estimated 150 to 200 animals. The South China tiger is down to an estimated population of 30 to 80 animals. The Javan tiger has been extinct since the 1980s. The Bali tiger has been extinct since the 1940s. The Caspian tiger has been extinct since the 1970s. The Indochinese tiger is down to a population of 1,000 to 1,700. And the Bengal tiger, which apparently in India is the most healthy of the species, has a population of an estimated 3,300 to 4,700 animals.

So we are hopeful that everyone here today will vote in favor of H.R. 2807, the Rhino Tiger Labeling Act. It is a very simple concept. It simply makes it relatively easy for us to enforce the laws that this House has previously passed. So, Mr. Speaker, I hope everyone will vote yea today.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of H.R. 2807, the Rhino and Tiger Product Labeling Act, a bill introduced by the Chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans, JIM SAXTON.

There is no question that intense competition for land has resulted in the destruction of critical rhino and tiger habitat. After all, we are talking about some of the most densely populated countries in the world.

Nevertheless, the major cause of the decline of rhinos and tigers is the huge ongoing demand for products made from these animals. For generations, Oriental medicines have contained ingredients of rhino and tiger parts that are consumed to fight headaches and fever in children, kidney and liver problems, convulsions, and heart conditions. In almost all cases, rhino horn and tiger bones are obtained from illegal sources.

We must eliminate the market for these products and stop their importation into the United States. This is the goal of H.R. 2807. Instead of spending thousands of dollars trying to prove whether a particular Chinese medicine contains rhino or tiger parts, this legislation simply prohibits them from entering this country if the label says they contain these highly endangered species.

By closing the U.S. market, the hope is that the demand for these products will end and the financial incentives to illegally kill rhino or tiger will no longer exist.

Furthermore, there are synthetic alternatives to these products and it is essential that the U.S. Fish and Wildlife Service renew their educational efforts. Based on surveys conducted by the Wildlife Conservation Society, the majority of those people consuming traditional medicines have no idea they might be contributing to the destruction of these flagship species.

I urge an aye vote on this bold wildlife conservation legislation which will hopefully stop the slaughter of rhinos and tigers in the wild.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, April 23, 1998.

Hon. DON YOUNG,  
Chairman, Committee on Resources, U.S. House of Representatives, Washington, DC.

DEAR DON: I am writing to address certain issues with H.R. 2807, as reported by the Committee on Resources on March 11, 1998, which would amend the Rhinoceros and Tiger Conservation Act of 1994. The bill contains import prohibition and Customs forfeiture provisions, which fall within the jurisdiction of the Committee on Ways and Means.

With respect to the import ban, H.R. 2807, as reported by the Committee on Resources, prohibits any person from selling, importing or exporting or attempting to sell, import, or export any product, item or substance intended for human consumption containing or purporting to contain any substance derived from any species of rhinoceros or tiger, creates criminal and civil penalties, and allows for the forfeiture of such products. Because these provisions fall within the Committee's jurisdiction, the Committee would ordinarily meet to consider the bill. However, because the bill, as reported, applies the ban in compliance with the letter and spirit of U.S. obligations under an existing multilateral agreement governing such trade, I do not believe that a markup of the bill is necessary.

With respect to forfeiture, section 2 of H.R. 2807, as reported, includes language within the jurisdiction of the Committee on Ways

and Means. Under normal circumstances the Committee would meet to consider the bill. However, it is my understanding that you will be offering an amendment on the floor of the House of Representatives to substitute the following language so that the existing statutory Customs forfeiture provisions would apply:

(c) Forfeitures.—Any product, item, or substance sold, imported, or exported, or attempted to be sold, imported, or exported, contrary to the provisions of this Act or any regulation made pursuant thereto shall be seized and forfeited to the United States. All equipment, vessels, vehicles, aircraft, and other means of transportation used to aid the selling, exporting, or importing, or an attempt to sell, export, of any product, item, or substance in violation of this Act or any regulation issued pursuant to this Act, may be seized and forfeited to the United States. All laws relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeiture, shall apply to the seizures and forfeitures incurred under this Act, insofar as those laws are applicable and not inconsistent with this Act.

Based on your assurances to this effect, and in order to expedite consideration of this legislation, I do not believe that a markup by the Committee on Ways and Means will be necessary on this issue.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2807, and would ask that a copy of our exchange of letters on this matter be included in the record during floor consideration. Thank you for your cooperation and assistance on this matter.

With best personal regards,  
BILL ARCHER,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON RESOURCES,  
Washington, DC, April 23, 1998.

Hon. BILL ARCHER,  
Chairman, Committee on Ways and Means,  
Longworth HOB, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2807, the Rhino and Tiger Product Labeling Act. Enactment of this bill will help enforce the existing ban on the sale, import or export of products containing rhinoceros and tiger parts and therefore help conservation efforts for these endangered species.

I agree that the Committee on Ways and Means has jurisdiction over import prohibitions and U.S. Customs Service forfeitures. As noted in your letter, current law already prohibits imports and exports of products containing endangered species under the Lacey Act and the Convention on International Trade in Endangered Species of Wild Fauna and Flora. In addition, when H.R. 2807 is considered by the House of Representatives, I do intend to substitute the forfeiture language of the bill you have identified regarding Customs powers, as this provision also duplicates Lacey Act authority for the Secretary of the Interior.

Thank you for your cooperation in this matter, and I will place our correspondence on this issue in the Congressional Record during debate on H.R. 2807.

Sincerely,  
DON YOUNG,  
Chairman.

Mr. SABO. Mr. Speaker, I rise in strong support of H.R. 2807, the Rhinoceros and Tiger Product Labeling Act. This bill is a key bipartisan step to protect two of our planet's most precious and endangered animals—rhinos and tigers.

Rhinos and tigers are coming perilously close to extinction in the wild because of illegal poaching to support the high demand for traditional medications. Congress has worked to protect these majestic animals by creating the Rhinoceros and Tiger Conservation Fund, and by banning the import or sale of products that contain parts of endangered species.

Despite these laws to protect rhinos and tigers, a loophole allows many products to be sold in the United States that explicitly state—on their labels, no less—that they contain rhino and tiger parts.

Proving that these products contain banned substances can be extremely difficult. Even after performing costly tests, the U.S. Customs Service often can't prove what the labels plainly show—that these products contain rhino and tiger parts and are illegal. The result is that many such products end up in stores across America.

The Rhinoceros and Tiger Labeling Act would stop this costly and confusing exercise, and allow us to accept product labels at their face value. If products say they contain parts of endangered animals, we shouldn't let them in the country.

I strongly support this bipartisan legislation to stop the flaunting of our laws and strengthen protections for endangered species.

Mr. SAXTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 2807, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2807.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

#### CONGRATULATING PEOPLE OF SRI LANKA ON THE 50TH ANNIVERSARY OF THEIR INDEPENDENCE

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 350) congratulating the people of Sri Lanka on the occasion of the fiftieth anniversary of their nation's independence.

The Clerk read as follows:

H.RES. 350

Whereas on February 4, 1948, the people of Sri Lanka gained their independence from the British;

Whereas the people of Sri Lanka and the United States have a common interest in the promotion and preservation of democratic systems of government;

Whereas the people of Sri Lanka and the United States have had many shared values

and interests, including the desire to promote the peaceful development of the South Asian region;

Whereas Sri Lankan citizens who have visited or lived in the United States, and United States citizens who have visited or lived in Sri Lanka, have done much to improve mutual understanding and build friendship over the past fifty years;

Whereas United States citizens of Sri Lankan origin have contributed greatly to the advancement of knowledge, the development of the United States economy, and the enrichment of cultural life in the United States;

Whereas the ties of trade and investment between the United States and Sri Lanka have grown over fifty years to the benefit of the people of both countries; and

Whereas the fiftieth anniversary of the independence of Sri Lanka offers an opportunity for Sri Lanka and the United States to renew their commitment to international cooperation on issues of mutual interest and concern: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates the people of Sri Lanka on the occasion of the fiftieth anniversary of their nation's independence; and

(2) looks forward to broadening and deepening United States cooperation and friendship with Sri Lanka in the years ahead for the benefit of the people of both countries.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Minnesota (Mr. LUTHER) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

#### GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 350.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the author of H. Res. 350, this Member rises to congratulate the people of Sri Lanka on the occasion of the 50th anniversary of their nation's independence.

Mr. Speaker, H. Res. 350 was introduced on February 4, the day that Sri Lanka celebrated the 50th anniversary of their independence, by this Member, by the distinguished gentleman from Indiana (Mr. HAMILTON), the ranking member of the Committee on International Relations, and by the distinguished gentleman from California (Mr. BERMAN), the ranking member of the Subcommittee on Asia and the Pacific.

America's relations with this island nation are very strong and productive. The social and economic progress that Sri Lanka has made in the last five decades is truly encouraging and has laid a strong foundation for its future. Sri Lankan Americans, both Sinhalese and Tamil, have made major contribu-

tions to American society, and our relationship has proven mutually beneficial.

While the official celebration will last all year, the precise date of the 50th anniversary was, as I mentioned, February 4. Major celebrations were held on that day, attended by Prince Charles as the head of the British delegation.

Regrettably, the celebrations have been marred by a series of bombings. This tragic fact emphasizes the point that a terrible bloody civil war continues in Sri Lanka that has cost tens of thousands of lives. This Member's purpose in introducing today's resolution is not just to discuss the specifics of the ethnic conflict. No, not at all. Rather, this Member wishes to give the U.S. House of Representatives an opportunity to celebrate and commend the achievements of the people of Sri Lanka, Sinhalese, Tamil and Muslim alike.

H. Res. 350 does precisely that. It congratulates the people of Sri Lanka and points to this occasion as an opportunity to renew the common U.S.-Sri Lankan commitment to international cooperation.

Mr. Speaker, the Committee on International Relations unanimously adopted H. Res. 350. This Member believes that H. Res. 350 represents a fitting and balanced expression of congratulations to the people of Sri Lanka on the occasion of the 50th anniversary of their nation's independence.

This Member also thanks the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations, for moving this initiative in an expeditious manner. This Member also expresses appreciation to the distinguished gentleman from Indiana (Mr. HAMILTON), the ranking member of the Committee on International Relations, for his constructive additions to this resolution.

Finally, this Member thanks the distinguished gentleman from California (Mr. BERMAN), the ranking member of the Subcommittee on Asia and the Pacific, for his important assistance in speeding this resolution to the House.

Mr. Speaker, I urge unanimous adoption of H. Res. 350.

Mr. Speaker, I reserve the balance of my time.

Mr. LUTHER. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this resolution.

Mr. Speaker, I strongly support this resolution; and I commend the gentleman from Nebraska (Mr. BEREUTER) for his leadership in bringing it before the House today.

Fifty years ago, following the example of our own country, the Sri Lankan people threw off the bonds of empire and entered the ranks of fully and free independent nations. In the five decades since then, notwithstanding economic hardship and civil war, Sri Lanka has proudly maintained its independence, promoted economic develop-

ment, and fostered a democratic form of government.

Sri Lanka has also been a good friend of the United States. The people of Sri Lanka have earned our respect and admiration. This resolution attempts to convey those sentiments and express our desire to see the bonds of friendship that link our two nations broadened and deepened in the years ahead. It deserves our support, and I urge my colleagues to join me in voting "yes" on this important resolution.

Mr. Speaker, I yield 5 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly would like to add my commendation to the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, and the gentleman from Indiana (Mr. HAMILTON), our ranking Democratic member, and to the gentleman from Nebraska (Mr. BEREUTER), as the chairman of our Subcommittee on Asia and the Pacific for his authorship on this piece of legislation, and also the gentleman from California (Mr. BERMAN), the ranking member of our Subcommittee on Asia and the Pacific.

Mr. Speaker, I rise today in support of the House Resolution 350, a measure congratulating the people of Sri Lanka on the occasion of their 50th anniversary of the independence of the Democratic Socialist Republic of Sri Lanka from Great Britain.

Mr. Speaker, I am honored to be an original cosponsor of this measure. And again, I commend the gentleman from Nebraska (Mr. BEREUTER), chairman of the House Committee on International Relations Subcommittee on Asia and the Pacific, for introducing this legislation.

Mr. Speaker, earlier this year on February 4, Sri Lanka celebrated its 50th anniversary of independence from British colonial rule, which ended on February 4, 1948. I join my colleagues in commemorating the golden jubilee independence celebration of Sri Lanka and offer my sincere congratulations to her excellency, President Chandrika Kumaratunga, and the good people of Sri Lanka.

Sri Lanka, unlike much of Asia, has had a long tradition of a functioning democratic system of government. Since 1931, and even before the grant of its independence, voting rights were exercised by men as well as women. During the five decades since independence, Sri Lanka has held regular national elections as well as provincial and local government elections. The last parliamentary election was held in August of 1994, with a Presidential election taking place in November 1994. With a voter turnout of over 70 percent, President Kumaratunga was overwhelmingly elected into office. The most recent election in Sri Lanka was in the conflict-ridden Jaffna Peninsula,

where in January the people of Jaffna elected local administrators.

Mr. Speaker, the United States is Sri Lanka's largest trading partner, and over 90 American companies have investments there, including Motorola, IMC Agrico, Coca-Cola, and American Express and others. In 1977, Sri Lanka was the first country in South Asia to adopt economic liberalization policies, which shifted the economy away from state controls and subsidies and paved the way for the private sector to become the engine of growth.

Sri Lanka's shift to a market-oriented system has become very successful, with the country recording some 6 percent economic growth in 1997. A major factor aiding Sri Lanka's economic growth has been the highly-educated work force. The government provides free education from elementary school through university levels, and the result has been a national literacy rate of 90 percent. The government also extends free health care services, and Sri Lankans enjoy low infant mortality rates and an average life expectancy of 70 years.

Relations between Sri Lanka and the United States date back to 1850, when an American, John Black, was officially appointed to head up a commercial agency between the governments. With a move to the capital, Colombo, the agency office became a U.S. consulate, and upon independence in 1948, it was elevated to a United States Embassy.

Mr. Speaker, this year Sri Lanka and the United States also celebrate the golden jubilee of establishing diplomatic relations. In honor and in recognition of this occasion, Ambassador Bill Richardson, the United States Representative to the United Nations, and Ambassador Karl Inderfurth, Assistant Secretary of State for South Asian Affairs, recently traveled to Sri Lanka for meetings with President Kumaratunga and other high-ranking dignitaries of the Sri Lankan Government.

Mr. Speaker, despite its prosperity and commitment to democratic principles, Sri Lanka, as we all know, has been years threatened by separatist movements. In its search for peace, the Government of Sri Lanka has proposed extensive devolution of power through constitutional reforms to resolve the present ethnic problem in the country through a negotiated settlement. This is a process supported by our government, and we should all take steps necessary to encourage the Liberation Tigers of Tamil Elam to lay down their arms, stop their terrorism, and enter into peaceful negotiations.

Mr. Speaker, I urge our colleagues to adopt the measure before us that congratulates the people of Sri Lanka on their 50th anniversary. We should all recognize the many accomplishments of our partners in Sri Lanka and the deep and enduring friendship that will always bind the good people of Sri Lanka and the people of the United States.

Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I wish that I could join in the enthusiasm that the people of Sri Lanka deserve in celebration of their nation's 50th anniversary. However, the deadly spiral of violence still gripping that beautiful nation makes it difficult to be joyous.

The Tamil Tigers need to change their methods and learn to compromise to obtain their goals. The government must renew its commitment to human rights and get back on the "high road" of respect for human rights. One way it can achieve this is by giving free and unrestricted access to the press and human rights organizations.

We must see an end to the "disappearances" of persons taken into custody by military and special police units, and the killings of moderate Tamil Parliament members and public execution of suspected "informers" or "traitors" by the Tamil Tigers.

Our policy towards Sri Lanka needs closer scrutiny. It is currently unbalanced. More attention needs to be placed on giving constructive criticism and suggestions that could lead to peace in that long troubled nation. Until then, any calls for celebration will ring hollow for the Sri Lankan people and their friends.

Mr. PALLONE. Mr. Speaker, I wish to join with my colleagues in paying tribute to the nation and the people of Sri Lanka during this year of celebration of the 50th anniversary of their independence. I want to congratulate the Chairman of the Subcommittee on Asia and the Pacific, Mr. BEREUTER, for introducing this resolution, as well as the Chairman of the International Relations Committee, Mr. GILMAN, the Ranking Democrat of the IR Committee, Mr. HAMILTON, the Ranking Democrat of the Asia and Pacific Subcommittee, Mr. BERMAN, and Mr. FALEOMAVAEGA, a member of the Asia and Pacific Subcommittee, for their support of this initiative. I am proud to join my colleagues, as a co-sponsor of this Resolution.

As the co-chairman of the Congressional Caucus on India and Indian-Americans, I welcome the continuing trend toward more attention to the vitally important South Asia region on the part of Congress, the Administration and the private sector. At the same time, I hope we will continue to encourage greater regional cooperation and confidence building measures among the nations of South Asia.

Mr. Speaker, Sri Lanka has been an independent country for the last 50 years, but relations with the United States have gone as far back as 1850. John Black, an American merchant residing in Colombo, the capital of Sri Lanka, was appointed as the first commercial agent. His job was to assist American shipping with Sri Lanka. Now, 150 years later, the United States is Sri Lanka's largest trading partner, accounting for 30% of Sri Lanka's exports, with 90 U.S. companies having invested in mining and textiles. Furthermore, U.S. investments will reach \$500 million after the completion of certain trade agreements.

Bi-lateral relations between the two countries have always remained strong. We can see this in numerous economic and technical support programs, trade and investment agreements, and the continuous exchange of high level officials—the most high-profile being the visit by First Lady Hillary Rodham Clinton in 1995.

We have signed agreements to protect investments and intellectual property rights to

foster trade and encourage economic growth. In fact, the U.S. Chamber of Commerce is in Sri Lanka and works with the Sri Lanka government in creating an investment friendly climate.

Sri Lanka rose to international prominence when on July 21, 1960, the Sri Lanka Parliament appointed Ms. Bandaranike as the prime minister of Sri Lanka. Sri Lanka became the first country in the world to appoint a woman as the head of state. Interestingly enough, in a part of the world, where many Westerners believe women are being treated as second class citizens, Sri Lanka became the first country to recognize a women's ability to lead a nation. This led to women heads of government in Bangladesh, Britain, France, India, Israel, Norway, Pakistan, Poland and Turkey.

Sri Lanka was the first country in South Asia to introduce economic liberalization policies (1977) and shifted away from state controls. Recently, Sri Lanka has embarked on market oriented reforms that have allowed the economy to grow by 6% last year.

Unfortunately, Sri Lanka been plagued with ethnic violence. Despite this, Sri Lanka continues to be one of the few countries in South Asia committed to democracy. For the last 50 years, Sri Lanka has held national, provincial and local government elections. Sri Lanka has provided universal adult suffrage, including women. Indeed, Sri Lanka had democratic elections 20 years prior to independence, when it was part of the British Empire. Thus, Sri Lanka is one of the oldest practicing democracies in the developing world.

Mr. Speaker, there is no doubt in my mind that the next 50 years holds tremendous potential for Sri Lanka. With the recent collapse of the East Asian economies, and the South Asian economies remaining stable, is a strong indication that Sri Lanka and the rest of South Asia will demonstrate new economic strength.

Mr. BERMAN. Mr. Speaker, it is my deep pleasure to rise in support of H. Res. 350, which I cosponsored with Mr. BEREUTER, in honor of the people of Sri Lanka on the occasion of the fiftieth anniversary of their nation's independence.

We have a long and deep friendship with Sri Lanka, dating back at least to 1789 when the first American traders visited Colombo, and followed in the early part of the 19th century by American missionaries and educators, who established the first boarding school for girls in Asia in 1824.

We established a consulate as early as 1874.

We are most proud of the role played by Colonel Henry Steel Olcott in promoting the study of Buddhism. The enlightened altruism demonstrated by Colonel Olcott continues to motivate our relations with Sri Lanka.

Today, our relations are being further solidified by our growing economic and political relationship. We are now Sri Lanka's largest trading partner. Most recently, the First Lady visited—the first, I hope, of many such visits, including perhaps that of the President later this year.

As we salute the past, it is also my hope that we will take all possible steps to assist in the resolution of the problems which afflict Sri Lanka today. The conflict which continues to disturb the rich Sri Lankese political culture is deeply disturbing. The recent terrorist bombing at the Temple of the Tooth in Kandy and the

American decision to withdraw Peace Corps Volunteers testifies to the intensity of that internal conflict. I hope that efforts will be taken by all sides to the conflict to seek a peaceful resolution of the civil strife for only by ending this dispute will Sri Lanka realize the very bright future its people deserve.

I urge my colleagues to support this resolution's adoption.

Mr. LUTHER. Mr. Speaker, I urge unanimous support for the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, H.Res. 350.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

### CONCERNING AFGHANISTAN

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 218) concerning the urgent need to establish a ceasefire in Afghanistan and begin the transition toward a broad-based multiethnic government that observes international norms of behavior, as amended.

The Clerk read as follows:

#### H. CON. RES. 218

Whereas peace and stability has not returned to Afghanistan despite the February 1989 Soviet withdrawal from Afghanistan;

Whereas the Department of State's Country Reports on Human Rights for 1997 states: "The overall human rights situation [in Afghanistan] is poor . . . political killings, torture, rape, arbitrary detention, looting, abductions and kidnappings for ransom were committed by armed units, local commanders, and rogue individuals";

Whereas the continuing civil conflict in Afghanistan has had a grievous impact upon the Afghan people, where within its borders occurs the highest rate of infant, child, and maternal mortality in the region;

Whereas neighboring countries have provided support in the form of financial assistance and arms to the different groups warring in Afghanistan, thereby extending the length and expanding the destruction of this internal conflict;

Whereas another byproduct of this conflict is the harboring of Islamic militants and terrorist leaders in Afghanistan;

Whereas due to the tyranny and destruction caused by Taliban rule, Afghanistan is now one of the world's leading producers of opium, and over the past year alone, the production of opiates in Afghanistan has increased and resulted in a growth in the drug trade not only in the Central and South Asian regions but in Russia and the West as well;

Whereas continuing instability serves as an obstacle to international investment and the establishment of developmental projects inside Afghanistan, so necessary to Afghanistan's rejuvenation from years of conflict, and central to promoting political cooperation among Afghan factions;

Whereas the continuing conflict in Afghanistan serves as an impediment to economic

prosperity and political development throughout all of South Asia and the newly independent Central Asian nations as well; and

Whereas despite repeated efforts by the United Nations to broker an end to continuing warfare among the country's warring factions, the absence of peace has prevented Afghanistan from addressing the numerous problems facing its citizenry: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress—*

(1) acknowledges that, through determination, tenacity, and courage, the Afghan people successfully waged a war against Soviet expansionism and greatly assisted in bringing an end to the cold war;

(2) calls upon all warring factions and national powers to participate in intra-Afghan dialogue (the "Frankfurt Process") and in the peace process and to actively cooperate in the acceleration of endeavors for peace;

(3)(A) deplores continuing human rights violations occurring within Afghanistan, especially against women and female children, who have suffered condoned discrimination and harassment, and the reported widespread execution of prisoners of war and civilians evidenced by the discovery of mass graves which contained an estimated 2,000 corpses; and

(B) supports the intention of the United Nations and the International Committee of the Red Cross to continue their investigation into these reported killings;

(4)(A) welcomes the appointment of Ambassador Lakhbar Brahimi as special envoy of the United Nations Secretary General for Afghanistan and supports his efforts toward attaining a peaceful negotiated settlement with the assistance of the six nations bordering Afghanistan as well as representatives from the United States and Russia; and

(B) encourages a role for Afghan leaders of all factions and ethnic groups in the United Nations negotiation efforts, based on the fact that peace and national reconciliation cannot be imposed on the Afghan people by their neighbors;

(5) urges the nations of the region to cooperate in the peace process and to end immediately the supply of arms, ammunition, military equipment, training or any other military support to all parties to the conflict;

(6) urges appropriate parties in the United Nations, Afghanistan, and its neighbors to work toward the eradication of the production of opium, especially in southern Afghanistan, and to link such efforts wherever possible to realistic income alternatives;

(7) calls upon all parties within Afghanistan to prevent the reoccurrence of actions which impede the ability of humanitarian and international organizations to move food shipments and other forms of humanitarian assistance into Afghanistan;

(8) acknowledges that due to the death and destruction wrought by the February 4, 1998, earthquake in northeastern Afghanistan, where approximately 5,000 people have died and an estimated 30,000 have been left homeless, there is a continuing need for international emergency aid of food, clothing, and shelter;

(9) recognizes the continuing requirement to address the needs of more than 2,500,000 Afghan refugees in neighboring countries, three-quarters of whom are women and children;

(10) acknowledges the necessity of international efforts to clear the estimated 10,000,000 land mines buried in the Afghan countryside; and

(11) calls for the expulsion of all known terrorist leaders from Afghanistan and the

closing down of all terrorist training camps operating in the country.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Minnesota (Mr. LUTHER) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

#### GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

□ 1445

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, H. Con. Res. 218, which this Member introduced on February 1, 1998, calls for the urgent need to establish a cease-fire in Afghanistan and begin the transition towards a broad-based multi-ethnic government that observes international norms of behavior.

Today Afghanistan has no internationally recognized government. It is a country torn apart by civil war carried out by two warring factions known as the Taliban and the Northern Alliance. No parties to the conflict are heroic. All must share the blame for the destruction and division.

One of the by-products of the destruction brought about by this extended warfare is that Afghanistan has become one of the world's leading producers of opium. Over the past year alone, the production of opiates in Afghanistan has increased, and results in a growth in the drug trade throughout Central and South Asia, Russia, Europe and the United States.

Other problems currently facing Afghanistan include serious and repeated human rights violations occurring throughout the country, especially the treatment of women. The Department of State's Country Reports on Human Rights for 1997 states,

The overall human rights situation in Afghanistan is poor. Political killings, torture, rape, arbitrary detention, looting, abductions and kidnappings for ransom were committed by armed units, local commanders and rogue individuals.

At the end of this decade-long conflict it would appear that Afghanistan is beginning the process of resolving these problems, as well as a number of others, including the removal of millions of land mines scattered throughout the Afghan countryside; the repatriation of over 2 million Afghan refugees currently residing in Pakistan and Iran; as well as the cessation of safe haven for terrorist leaders and activities in this war-torn Nation.

The United States officially supports no party or faction in this conflict and backs the United Nations negotiation efforts to establish a coalition government where all factions are fairly represented. Recently, on April 17, the United States Ambassador to the United Nations, the Honorable Bill Richardson, brokered an agreement from the two opposing factions to establish a cease-fire and participate in structured peace talks.

If the factions follow through with their commitments, it will mark the first talks since the Islamic militia took control of the capital 1½ years ago. Fighting broke out which appeared to jeopardize the negotiations. However, recognizing the renewed U.S. attention to Afghanistan, the Taliban and the Northern Alliance have begun these important talks.

This Member commends Ambassador Richardson and his staff, as well as the Pakistani Prime Minister Nawaz Sharif, for their efforts in successfully bringing the two warring factions to the negotiating table. In their opening statements, representatives of the two factions declared their willingness to work towards a peaceful resolution of the Afghan conflict. This Member sincerely hopes that this round of negotiations will bring enduring peace to the people of Afghanistan.

In the past, similar efforts have ended in failure as agreements reached in 1992 and 1993 quickly collapsed into more fighting. But this initiative comes at a time when internal and outside parties to the conflict seem at least more ready to work towards achieving stability in Afghanistan before all hope of stability and economic development is lost. The return of stability would in turn encourage international investment projects to the region, beneficial to South Asia and the newly independent Central Asian nations as well.

Mr. Speaker, H. Con. Res. 218 was considered by the Subcommittee on Asia and the Pacific on March 5, 1998 and was favorably reported to the full committee. On April 1 the Committee on International Relations unanimously approved this important resolution.

In conclusion, this Member again expresses appreciation to the gentleman from New York (Mr. GILMAN) chairman of the Committee on International Relations, and the distinguished gentleman from California (Mr. BERMAN) the ranking member of the Subcommittee on Asia and the Pacific, for their support and cosponsorship of H. Con. Res. 218. This Member would also thank the distinguished gentleman from California (Mr. ROHRBACHER) for his advice and support on this resolution. The gentleman from California (Mr. ROHRBACHER) has visited Afghanistan on numerous occasions, and has taken an active interest in Afghanistan's history and in resolving the bitter dispute which has consumed this country for the past 10 years.

Mr. Speaker, at this critical point of the ongoing peace negotiations, this Member urges this body to send a strong message that the United States Government and the Congress, which in the past assisted Afghanistan in the war against communist aggression, are supportive of the desire for peace by so many, indeed almost all of the Afghan people. Accordingly, this Member urges adoption of H. Con. Res. 218.

Mr. Speaker, I reserve the balance of my time.

Mr. LUTHER. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this resolution.

Mr. Speaker, I strongly support this resolution. I again commend the gentleman from Nebraska for his leadership in drafting the resolution and bringing it before the House today. The scene of bitter fighting for more than 18 years, Afghanistan today is virtually forgotten by the international community. There are few nations in the world whose prospects look bleaker than Afghanistan. But I am pleased to say that over the past weekend, the various Afghan factions held the first round of what we all hope will be talks leading to the reestablishment of a just peace in Afghanistan.

This resolution seeks to refocus world attention upon Afghanistan at this important time. It calls for an end to the fighting in Afghanistan, for respect for human rights, and for the eradication of the heroin trade and the export of terrorism. This resolution deserves our support. I urge our colleagues to join me in voting "yes" on this important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. BERTEUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE) who has been very responsive to the concerns of many people in his district concerned with the continued conflict in Afghanistan. For his active interest in the issue, I commend him.

Mr. ROYCE. Mr. Speaker, I want to commend the gentleman from Nebraska, chairman of the Subcommittee on Asia and the Pacific, for offering this very important resolution on the tragedy that is going on in Afghanistan.

What this resolution does is bring attention to a country which has been largely forgotten. America was intensely focused on Afghanistan after the Soviet invasion and throughout the years of its occupation. The Red Army was driven out in the face of a courageous resistance by the Afghan people, with the aid of America. Looking back, that unfortunately for Afghanistan was the easy part. It has been much harder winning the fight for peace and stability in Afghanistan since then, but the United States has an interest in trying. We must try.

The Afghan people are suffering. They have one of the highest infant mortality rates in the world. Millions of Afghans live as refugees, some in

neighboring countries. Tragically, some of this suffering is almost a deliberate policy of the ruling Taliban in much of Afghanistan. This regime bans girls and women from attending schools, and it is blocking the delivery of humanitarian aid to thousands of suffering people in Afghanistan. The U.S. has an interest in seeing this stopped.

More direct interests are at stake, too. Afghanistan is now one of the world's leading producers of opium. This reaches America's shores. Afghanistan harbors terrorists who have the potential to attack our Nation. Terrorists with Afghan roots have wreaked havoc throughout the world. This resolution addresses all these American interests.

For too long the U.S. has been indifferent to the fate of Afghanistan. That has been changing a bit of late. My conversations with the former king of Afghanistan, King Zahir Shah, have led me to believe there is reason for hope. Events are moving rapidly. There are plans for peace talks among the factions.

This resolution says that what happens in Afghanistan matters to the U.S. and that we have an interest in seeing the peaceful resolution of this long-running and depressing conflict. I urge its adoption by my colleagues.

Mr. BERTEUTER. Mr. Speaker, I want to commend the gentleman from California (Mr. ROYCE) for his excellent statement.

Mr. GILMAN. Mr. Speaker, I want to commend the distinguished Chairman of the Asia and Pacific Subcommittee, the gentleman from Nebraska, Mr. BERTEUTER and its Ranking Minority Member, the gentleman from California, Mr. BERMAN, for initially crafting this important piece of legislation.

H. Con. Res. 218 calls attention to the urgent needs of the Afghan people who have been suffering for years from the aftermath of the cold war. The current civil conflict has led to a breakdown in civil society. Large areas of Afghanistan are now training grounds for terrorism and the world's largest production grounds for opium. Millions of land mines are killing scores of people daily and women are treated as chattel.

The war has created a huge humanitarian crisis in the north where more than 2,000,000 refugees are in need of humanitarian assistance. We commend our colleague, the gentleman from California, Congressman ROHRBACHER for filling in for the State Department and AID by raising the funds to ship plane loads of medical equipment to the refugees. I hope that the administration takes this resolution as a signal that it should be doing more to resolve the crises there and that it especially supports the inter-Afghan dialogue process which would serve as a long term solution to the problems.

Accordingly, I urge my colleagues to support the resolution.

Mr. LUTHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BERTEUTER. Mr. Speaker, I ask unanimous support for this resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.



The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 218, as amended.

The question was taken.

Mr. BEREUTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule 1, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### SENSE OF CONGRESS REGARDING LITTLE LEAGUE BASEBALL

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 37) expressing the sense of the Congress that Little League Baseball Incorporated was established to support and develop Little League baseball worldwide and that its international character and activities should be recognized.

The Clerk read as follows:

S. CON. RES. 37

Whereas Little League Baseball Incorporated is a nonprofit membership organization, chartered by the Congress of the United States in 1964 to promote, develop, supervise, and assist youth worldwide in participation in Little League baseball and to instill in youth the spirit and competitive will to win, values of team play, and healthful association with other youth under proper leadership;

Whereas Little League Baseball Incorporated has chartered more than 18,000 local Little League baseball or softball leagues in 85 countries, across 6 continents, through which more than 198,000 teams and 3,000,000 youth worldwide come together in healthy competition, learning the value of teamwork, individual responsibility, and respect for others;

Whereas Little League Baseball Incorporated provides administrative and other services, including financial assistance from time to time, to such leagues without any obligation to reimburse Little League Baseball Incorporated;

Whereas Little League Baseball Incorporated has established a United States foundation for the advancement and support of Little League baseball in the United States and around the world, and has also created in Poland through its representative, Dr. Creighton Hale, the Poland Little League Baseball Foundation for the construction of Little League baseball facilities and playing fields, in which youth may participate worldwide in international competitions, and is providing all the funds for such construction;

Whereas the efforts of Little League Baseball Incorporated are supported by millions of volunteers worldwide, as parents, league officials, managers, coaches, and auxiliary members and countless volunteer agencies, including sponsors, all of whom give their time and effort without remuneration, in service to others, to advance the goals of Little League Baseball Incorporated and thereby assist the economic transformation of societies worldwide, the improvement in the quality of life of all citizens and the promotion of a civil international community; and

Whereas, as demonstrated by the success of its efforts worldwide, Little League Baseball Incorporated is the largest nongovernmental international youth sports organization in the world and continues to grow: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That (a) it is the sense of the Congress that Little League Baseball Incorporated is international in character and has engendered international goodwill through its worldwide activities, particularly among the youth of the world.*

*(b) The Congress reaffirms that Little League Baseball Incorporated was established to support and develop Little League baseball worldwide, through the chartering of local leagues and the provision of assistance to such local leagues, through the creation or location of facilities in other countries, and the provision of other support as appropriate, including financial support, without right of reimbursement or repayment.*

*(c) The Congress calls upon the parliamentary bodies and government officials of other nations, particularly those that participate in Little League baseball, to recognize and celebrate the international character of Little League baseball.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Minnesota (Mr. LUTHER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

#### GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I urge my colleagues to vote unanimously in favor of S. Con. Res. 37. This resolution makes clear that Little League Baseball Incorporated is a bona fide nongovernmental organization and that it should be treated as such by our government and those of other nations.

Little League Baseball Incorporated is a nonprofit membership organization that was chartered by Congress in 1964 to promote participation by children around the world in Little League baseball. Unfortunately, the charter did not explicitly use the words "nongovernmental organization." That phrase and its acronym, NGO, were not in vogue in those days. So there has been some confusion, particularly in nations where Little League baseball is relatively new, about the undeniable fact that this organization indeed is a not-for-profit organization.

Because the U.S. Congress originally chartered this organization, it falls to us to clarify the matter. This resolution calls on the parliamentary bodies and government officials of other nations to recognize and celebrate the international charter of Little League Baseball, the largest nongovernmental

international youth sports organization in the world, with over 18,000 local leagues in 85 countries supported by a network of many thousands of volunteers and coaches around the world.

S. Con. Res. 37 was introduced by Senator COVERDELL and has already passed the Senate. It also passed the Subcommittee on International Operations and Human Rights by a voice vote on February 12 of this year. On April 1 the full Committee on International Relations ordered the bill favorably reported, again by a unanimous vote.

Mr. Speaker, I want to point out the relentless dedication of the gentleman from Pennsylvania (Mr. McDADE) on this issue. The gentleman from Pennsylvania helped draft the Senate resolution as well as a parallel House Resolution. He brought the resolution to the attention of our subcommittee and full committee, and he has pushed every step of the way to ensure the success of this resolution. He deserves the credit for its passage on the floor today.

Mr. Speaker, I reserve the balance of my time.

Mr. LUTHER. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this resolution.

Mr. Speaker, I rise in support of this resolution expressing the sense of Congress that Little League baseball is international in character and has engendered international good will.

□ 1500

I commend the gentleman from Pennsylvania for introducing the companion measure in the House.

The resolution affirms congressional support for the Little League organization and calls upon other governments to recognize and celebrate the international character of Little League baseball. In the House, the companion to this resolution has received widespread bipartisan support.

Mr. Speaker, we all know Little League is a good organization, encouraging good, healthy life-styles for our young people, and I am happy to support its activities for kids around the world. I urge adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I rise in support of S. Con. Res. 37, the Little League Baseball Resolution.

Senator COVERDELL and Representative McDADE introduced this resolution last year in support of the international activities of little league baseball. The Senate has already acted on this resolution, and I support House passage today. The measure is broadly supported in the House, with a total of 42 co-sponsors.

This non-controversial measure is designed to reaffirm the importance and the values exemplified by the long-standing American institution known as "little league baseball".



In addition, it expresses the sense of Congress that Little League Baseball Incorporated was established to develop Little League Baseball worldwide recognizing that its international activities are similar to other non-governmental organizations.

As a former president of our local Little League in my hometown in Middletown, NY, I am pleased to recommend approval of this resolution, affirming our support for the worthy international activities of Little League Baseball.

Mr. McDADE. Mr. Speaker, it is my very great pleasure to rise today in support of Senate Concurrent Resolution 37 which I wrote, on behalf of Little League Baseball, Incorporated.

I'd like to thank my good friend, the gentleman from New Jersey, Mr. SMITH, for bringing this resolution to the floor. I would also like to express my gratitude to the Chairman of the International Relations Committee, Mr. GILMAN, for moving this measure. I am also grateful to Ranking Member LEE HAMILTON and to the 45 bipartisan cosponsors of the House companion of this resolution which is so important to Little League Baseball.

As the sponsor of the companion resolution in the House and the Representative of the World Headquarters of Little League, Williamsport, Pennsylvania, I ask that my colleagues join with me in supporting this resolution which recognizes the international character of Little League Baseball.

Today's Little League Baseball has programs in 85 countries on six continents. It brings three million young people worldwide together every year to learn the value of teamwork and individual responsibility in a setting of healthy competition. Clearly, Little League Baseball is international.

However, when the Congress acted in 1964 to incorporate Little League Baseball, we failed to foresee that it would one day take the joys and disciplines of the American game of baseball to children around the world. Now that Little League Baseball has gone worldwide, it is time that we recognize its international character and activities.

Without an official imprimatur concerning its international character, Little League was unable to get a much-needed exemption from the Value-Added Tax from the Finance Ministry of the Republic of Poland related to the cost of building the Little League Baseball European Training Center in Kutno, Poland. Despite that setback, Little League has finished Phase I of the Center. Ultimately, the Center will have four little league-sized and three regulation-sized fields, two practice fields, dining and laundry facilities, a dormitory, and a conference center as well as other athletic facilities and administration buildings.

I am delighted to tell my colleagues that the Polish Ministry of Sports and Tourism recently awarded Little League a generous grant toward the cost of a regulation baseball field at the facility in Kutno.

I hope sincerely that the House will pass this resolution and that the nations of the world will recognize Little League's international qualities and extend to them all appropriate privileges.

Let's go to bat for Little League!

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

Mr. LUTHER. Mr. Speaker, likewise, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 37.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### SENSE OF THE HOUSE REGARDING ONGOING VIOLENCE IN ALGERIA

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 374) expressing the sense of the House of Representatives regarding the ongoing violence in Algeria, as amended.

The Clerk read as follows:

##### H. RES. 374

Whereas in January 1992 Algeria annulled the second round of parliamentary elections; Whereas the Islamic Salvation Front (FIS), which favored the creation of a theocratic state, expected to win in those parliamentary elections;

Whereas the suspension of the Algerian elections in January 1992 triggered an escalation of terrorism;

Whereas the Islamic Salvation Army (AIS), the armed wing of FIS, started terrorist activities in the wake of the annulled elections, but has since declared a unilateral ceasefire;

Whereas the Armed Islamic Group (GIA), a nonpolitical radical Islamic movement, has been responsible for carrying out terrorist activities, particularly since the AIS ceasefire;

Whereas the United States Government has listed the GIA as a foreign terrorist organization;

Whereas tens of thousands of Algerians have lost their lives since the onset of the violence in 1992, with hundreds estimated to have lost their lives in the holy month of Ramadan that ended in January 1998;

Whereas the violence perpetrated by terrorists has become increasingly barbaric, leaving thousands of innocent civilians, particularly women and children, dead or injured;

Whereas the Government of Algeria has not agreed to the establishment of an international inquiry into the massacres;

Whereas the democratic process has progressed in Algeria despite the current terrorist activity; and

Whereas the United States has a strong interest in seeing the development of a democratic and peaceful Algeria: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) strongly condemns the Armed Islamic Group (GIA) and any other terrorist groups responsible for the atrocities being committed in Algeria;

(2) condemns the perpetrators of violence and other crimes against the fundamental human rights of Algerians;

(3) urges those who continue to engage in violence and the fundamental abuse of human rights to discontinue such activity;

(4) calls on the Government of Algeria to take all necessary and legal steps to prevent violence and stop it once it occurs;

(5) encourages the Government of Algeria to cooperate with the international community to ensure transparency in the investigation and combating of terrorist activity, including the use of objective investigators into the massacres;

(6) acknowledges that the Government of Algeria has made progress toward democratization and urges the government to engage in dialogue with all elements of Algerian society who have renounced violence, in order to further democracy and promote the rule of law;

(7) urges the United States Government to continue to work closely with the Government of Algeria to bring about the development and implementation of political and economic reforms as well as the full restoration of law and order in Algeria;

(8) encourages the European Union and the Government of Algeria to further their cooperation against terrorism; and

(9) encourages the Algerian Government to accept the appointment of a Special Rapporteur by the United Nations or another qualified independent organization to conduct an inquiry into the violations of human rights in Algeria.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from Florida (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

##### GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 374.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROYCE asked and was given permission to revise and extend his remarks.)

Mr. ROYCE. Mr. Speaker, this resolution makes note of the ongoing crisis in Algeria and condemns the horrific wave of killings there. Throughout the Muslim holy month of Ramadan that begins on December 30 nearly 1,300 innocent Algerians, including women and children, were brutally murdered. Another 100 Algerians were killed earlier this month; and, according to the U.S. State Department Human Rights report, 70,000 Algerian men, women and children have been brutally murdered during the last 6 years, 70,000.

Much of this crisis in Algeria began after the annulled 1992 elections. An attempt at political reform by the government at the time included the legalization of opposition political parties.

One of the parties, the Islamic Salvation Front, or FIS, wanted to create an Islamic state. They were on the brink of a parliamentary victory in January, 1992, when the military forced the President's resignation and annulled the election. The banned FIS has since renounced its violence, but a new

group, the radical Armed Islamic Group, or GIA, is a terrorist group that neither the FIS nor the government can control.

These radical Islamic insurgents, many of whom were trained and fought in Afghanistan, call themselves holy warriors and believe that during holy periods like Ramadan their barbarism will be doubly blessed by God. Some of the arbitrary and radical decrees of the GIA state that women who pursue formal education or fail to wear a veil are infidels deserving of having their throats cut. But this violence really extends to any Algerian who fails to join with the GIA. Combating this fanaticism has taxed the Algerian government.

Despite this crisis, Algeria has made some progress toward building democracy, even with the random violence that is bleeding the country. Among the positive measures is a new law that would extend the political and social rights of Algerian women.

Yet the Algerian government has been sharply criticized for human rights abuses and its inability to prevent these terrorist attacks. Because of these concerns and the sheer scale of the killing, pressure has been building on the Algerian government to allow international observers to investigate the massacres. In mid-January, the European Union was permitted to send a delegation of junior ministers to Algeria, but the dialogue was limited. More needs to be done.

Recently, the Algerian government arrested two mayors and 10 other local officials for suspected involvement in the massacre of civilians. Religious and ethnic disputes as well as attempted extortion were cited as reasons for the alleged killings. While some see these arrests as evidence of government involvement in the massacres, others see the arrests as a positive indication of the government fighting killers wherever and whomever they may be, an effort that we need to encourage.

Offers of humanitarian assistance to the victims of this tragedy have been made to the Algerian government. So far, they have been rejected. This resolution cites assistance that could be provided to the Algerian people in their time of need. Given the arrests of local officials, maybe the Algerian government will reconsider its opposition to outside assistance. The United States has an interest in seeing an end to the suffering and the building of democracy in Algeria.

Mr. Speaker, I would like to thank my colleagues on the Subcommittee on Africa for their work on addressing the Algerian crisis. We held a hearing in February in which we heard differing views of this situation. That hearing helped two Members craft this resolution, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Florida (Mr. ALCEE HASTINGS).

Unfortunately, Mr. CHABOT of Ohio could not be with us at this time due to

the death of his father. The funeral was this morning, and he is expected back in Washington later today.

Mr. CHABOT. Mr. Speaker, I want to thank the distinguished Chairman of the Africa subcommittee, the gentleman from California, Mr. ROYCE, for his exemplary leadership. He and the top-notch staff of the subcommittee have worked tirelessly to ensure that human rights issues in all of Africa are adequately addressed by the Congress.

I want to express a special thank you to the chief co-sponsor of this resolution, my good friend from Florida, ALCEE HASTINGS. Mr. HASTINGS has provided invaluable counsel and assistance during this process and I very much appreciate the hard work of he and his very able staff.

I also want to thank the gentleman from New Jersey, Mr. PAYNE, the Ranking Member, Mr. MENENDEZ, and the gentleman from California, Mr. ROHRBACHER, for their invaluable contributions to this bi-partisan resolution.

Mr. Speaker, tens of thousands of Algerians—many of them women and children—have lost their lives since violent terrorist attacks began in 1992. Hundreds more perished during the holy month of Ramadan that ended just a few weeks ago. As many as 120 people—including 32 children under the age of 2—were killed by axe-wielding assailants during the last weekend in March.

This resolution strongly condemns the perpetrators—the Armed Islamic Group, or GIA, and any other terrorist groups responsible for the atrocities committed in Algeria, and urges those who continue to engage in violence and the fundamental abuse of human rights to discontinue such activity immediately.

The legislation, while acknowledging that the Government of Algeria has made progress toward democratization, calls on the Government to take all necessary and legal steps to prevent violence and stop it once it occurs, and encourages the Government to cooperate with the international community to ensure transparency in the combating of terrorist activity.

Additionally, H. Res. 374 encourages the European Union and the Government of Algeria to further their mutual cooperation against terrorism. And, at the suggestion of Mr. MENENDEZ, encourages the Algerian Government to accept the appointment of a Special Rapporteur by the United Nations or another qualified independent organization, to conduct an inquiry into the violations of human rights in Algeria.

Mr. Speaker, I want to again thank the distinguished Chairman of the Africa Subcommittee, Mr. ROYCE, as well our esteemed Chairman of the full International Relations Committee, Mr. GILMAN, for their support in this effort. I believe it is a very timely resolution. I hope it will be helpful in bringing an end to the senseless tragedies. And I urge my colleagues to support it.

I urge adoption of the resolution.

Mr. ROYCE. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me thank the gentleman from California (Mr. ROYCE) and offer my condolences to my colleague and cosponsor of this resolution, the gentleman from Ohio (Mr. CHABOT)

whose father passed. I regret very much that Mr. CHABOT, who was the spearhead for our resolution, is unable to be here.

Mr. Speaker, I rise today to express my continued support for H. Res. 374 offered in response to the ongoing spiral of violence in Algeria. That violence was very adequately described by the gentleman from California (Mr. ROYCE) and I thank him for that and will expedite my remarks in that regard.

Pointedly, this legislation strongly condemns those who continue to perpetrate acts of violence and other crimes against humanity and violations of fundamental human rights.

Mr. Speaker, the situation in Algeria is not only an internal problem but one that should concern the world. These acts of violence continue to target innocent civilians. As the torture continues, relatives of the so-called disappeared are still wondering if their loved ones are dead or alive. Children continue to be hacked to death; and, very recently, as the gentleman from California pointed out, it has been reported that women have been raped before their throats are cut; and even a four-month-old baby was slaughtered.

Mr. Speaker, 6 years of this tragedy have left tens of thousands of civilians dead. Six years of violence is too long for us to remain silent to this vast human rights crisis which has sporadically grabbed international attention. We, as legislators, truly are, here in our House, democratic leaders of the world.

We must also heed the call of the world's citizens who are seeking peace and social justice, which are the principles that we adhere to, those principles being life, liberty and the rule of law, and we have to do that whether it is in Algeria or in Bosnia or Rwanda. Thus, Mr. Speaker, we cannot continue to turn a blind eye to the plight of these Algerian victims.

Mr. Speaker, I recognize the efforts of the Algerian government in providing housing and financial support for displaced people and encourage them to continue to build on existing cooperation with humanitarian organizations, as the gentleman has pointed out and has been offered.

I also acknowledge that Algeria has made some modicum of progress toward a multi-party democracy and toward a freer press, and it is rather encouraging to see that Algerian authorities have begun to allow some Algerian newspapers to publish reports for the first time. However, I would like to encourage the Algerian government under international law to allow and to cooperate with a fact-finding mission by the United Nations special rapporteur. This would be an initial step to address the situation and to ensure long-term transparency and scrutiny.

Mr. Speaker, the situation in Algeria is not something abstract. It is all about saving lives. I believe that this

particular course of action that we embark on here today will assist in ending the ongoing conflicts in Algeria, and I would urge the Chair and other Members, particularly of the Subcommittee on Africa, to consider visiting Algeria under appropriate circumstances so that we may firsthand work in cooperation with the necessary mediation that might come by way of international involvement.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield as much time as he may consume to the gentleman from New Jersey (Mr. PAYNE).

(Mr. PAYNE asked and was given permission to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, let me commend the chairman of the Subcommittee on Africa for the outstanding work that he has done, and I rise in support of H. Res. 374.

I am disappointed that, after gaining independence from France many years ago, Algeria is again plagued with some of the same old travesty. After colonialism ended in 1962, the French did little to prepare Algeria for independence. When the French left, mosques were reopened, people started learning Arabic again and feeling good about the religion of Islam.

While this past year marked the first legislative and local election since 1992, it also turned into the bloodiest year in the longstanding political strife of power. As we look back, the cancelling or annulling of the elections may not have seemed to be the right course of action. However, it should be noted that the desire to maintain Islamic domination and to radically change the food and clothing habits of the people was thwarted by most of Algerian citizens in 1992. Yet this explanation can be summed up by saying that the democracy cannot benefit if those that desire it want to end it once they are in power.

It is common knowledge that the first armed Islamic groups were organized by veterans of the war in Afghanistan and trained in Pakistan. Today, the GIA still receives weapons and money from outside sources including Pakistani Islamists, Iran and Sudan.

Let me just say that I was disturbed by the news of two mayors from neighboring towns being arrested for carrying out extrajudicial executions. This concerned me because it comes just after the meeting by the United Nations Human Rights Commission report that suggests that a special envoy should go to the region.

As we seek to formulate U.S. policy toward Algeria, we must remember that Algeria has helped with the Iran hostage crisis in 1982, continues to assist the resettlement of refugees and helped with the Iraqi problem in which absolutely no one in the Arab world would consent to, not even Saudi Arabia at the time.

□ 1515

In conclusion, we must not confuse the nonviolent Islamists with Islamic fundamentalism. I think that this political war to win at all costs has alienated the very people on whose behalf the struggle was designed to help.

Let me once again thank the gentleman from Ohio (Mr. CHABOT) and the gentleman from Florida (Mr. HASTINGS) for trying to constructively deal with this crisis.

Mr. ROYCE. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN).

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, since our committee marked up this resolution earlier this month, scores of Algerians, mostly civilians, have been killed in a barbaric civil war. Last night, Mr. Speaker, 40 Algerians had their throats cut by fundamentalist rebels. The massacre coincided with the feast of the Moslem New Year.

The horror of this violence is unimaginable. Since 1992, over 65,000 Algerians have been killed. It is vital that the Congress speak out on this issue. The resolution before us today I think sends the right message, Mr. Speaker. This resolution rightly calls on the Government of Algeria to allow neutral, independent international investigators to examine the violence that has racked Algeria since 1992. There should be no mistake, my colleagues, that the thrust of this resolution is to strongly condemn the Armed Islamic Group and the other terrorists inside Algeria who have slaughtered, in a barbaric fashion, tens of thousands of innocent Algerians. There is no place in this world for such atrocities.

Mr. Speaker, I thank the gentleman from Ohio (Mr. CHABOT) and the gentleman from Florida (Mr. HASTINGS) for bringing the resolution before us today, and in addition, I want to thank the distinguished chairman of the subcommittee, the gentleman from California (Mr. ROYCE) and the gentleman from New Jersey (Mr. MENENDEZ) of the Subcommittee on Africa, who have done such an excellent job of finding consensus to what could have been very difficult issues. Again, I thank the gentleman from Ohio (Mr. CHABOT) for introducing this resolution, and I urge my colleagues to adopt it.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

This is a balanced statement of the U.S. House of Representatives' views of the troubling situation in Algeria. It takes into consideration the democratic progress being made by the Algerian Government, but does not ignore human rights concerns involving the government either. I call on my col-

leagues to make a positive statement on the crisis in Algeria at this crucial time in this country's history.

Mr. MENENDEZ. Mr. Speaker, violence has become an integral part of life in Algeria—it consumes the country and it has temporarily derailed the future of what should be a vibrant Nation, politically and economically. Since 1992, as many as 80,000 people have died and thousands of others have been injured.

While socio-economic development will help the people of Algeria rebuild their lives, the government must also commit itself to stopping the massacres. The recent arrests of local officials and commanders of pro-government militia groups in Algeria on charges of carrying out massacres of civilians gives cause to those of us who have called for independent rapporteur to address the situation in Algeria.

In March, the Congressional Human Rights Caucus sent a letter to Secretary Albright in which we asked that the United States introduce a resolution to the U.N. Commission on Human Rights to appoint a Special Rapporteur for Algeria. Unfortunately, the United States decided against offering such a resolution. This resolution does call for such a rapporteur.

The United States and the international community have attempted to reach out to Algeria, to offer assistance and guidance, but they have been largely rebuked.

While the Algerian Government has made progress and increased transparency through the recent arrests, Algeria's efforts to handle this crisis have been largely ineffective. Progress will require Algeria opening up to the world. This means allowing the U.N. and other bodies to look at what is happening inside Algeria. Since the fundamentalists are accountable to no one, the onus for action, by necessity lies with the Algerian government.

Only the Algerian Government can start the process which will make 1998 the last year of bloodshed and the first year in many of peace, stability and reconciliation in Algeria.

I want to thank my colleagues for offering this resolution.

Mr. ROYCE. Mr. Speaker, I urge the adoption of this important resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the resolution, H. Res. 374, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS CONGRATULATING THE FORMER INTERNATIONAL SUPPORT AND VERIFICATION COMMISSION OF THE ORGANIZATION OF AMERICAN STATES

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 222) expressing the sense of Congress, congratulating the former International Support and Verification

Commission of the Organization of American States (OAS-CIAV) for successfully aiding in the transition of Nicaragua from a war-ridden state into a newly formed democracy and providing continued support through the recently created technical cooperation mission (OAS-TCM) which is responsible for helping to stabilize Nicaraguan democracy by supplementing institution building.

The Clerk read as follows:

H. CON. RES. 222

Whereas the Organization of American States International Support and Verification Commission (OAS-CIAV) was established August 7, 1989, for the purpose of overseeing assisting in the repatriation, disarmament, resettlement, and protection of human rights of the Nicaraguan resistance and their families;

Whereas the OAS-CIAV, successfully demobilized 22,500 members of the Nicaraguan resistance and distributed food and humanitarian assistance to more than 119,000 repatriated Nicaraguans prior to July 1991;

Whereas the OAS-CIAV successfully investigated and documented more than 1,800 human rights violations, including numerous murders and presented these cases to Nicaraguan authorities, following and advocating justice in each case;

Whereas the OAS-CIAV helped demobilize rearmed contras and Sandinistas, as well as apolitical criminal groups, and recently brokered and mediated the successful May 1997 negotiations between the Government of Nicaragua and the largest rearmed group;

Whereas the OAS-CIAV created 86 peace commissions and has provided assistance and extensive training in human rights and alternative dispute resolution for their members, who are currently mediating conflicts, including kidnapping and demobilization of rearmed groups, in every municipality of the zones of conflict;

Whereas the OAS-CIAV successfully provided critically needed infrastructure and humanitarian assistance including aid for Nicaraguan schools, roads, and health clinics; and

Whereas a new Organization of American States Technical Cooperation Mission (OAS-TCM) has been created to expand upon the mission of the OAS-CIAV by providing institution building resources in municipal government development, social work, and civic education in the twelve most conflictive municipalities in Nicaragua: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress—*

(1) commends and congratulates Santiago Murray, the first OAS-CIAV Director, and Sergio Caramagna, the current director of the OAS-TCM, and all members of the OAS-CIAV and OAS-TCM team for their tireless defense of human rights, promotion of peaceful conflict resolution, and contribution to the development of freedom and democracy in Nicaragua; and

(2) expresses its support for the continuation of the role of the OAS-TCM in Nicaragua.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GALLEGLY) and the gentleman from Minnesota (Mr. LUTHER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GALLEGLY asked and was given permission to revise and extend his remarks.)

Mr. GALLEGLY. Mr. Speaker, I rise in support of H. Con. Res. 222, which congratulates the OAS for its successful CIAV mission in Nicaragua and its ongoing technical assistance program in that country.

In 1989 at the conclusion of the devastating Civil War in Nicaragua, that Nation was confronted with the sensitive task of disarming, repatriating and resettling members of the former "contra" resistance movement back into the Nicaraguan society.

Recognizing the need for help in carrying out this effort, the Government of Nicaragua asked the OAS for help. On August 7, 1989, the International Support and Verification Commission, better known as CIAV, was created by the OAS General Assembly. Over the next 7 years, the OAS-CIAV mission, with financial support from the United States, helped demobilize over 22,000 members of the contra organization, distributed food and other humanitarian assistance to over 100,000 Nicaraguans, and helped establish some 86 "peace commissions" to provide human rights monitoring and conflict resolution training.

When the OAS-CIAV mission closed its doors last August, a new, smaller successor organization, the technical cooperation mission, known as TCM, was established. The OAS-TCM focused on 12 of Nicaragua's most conflictive rural municipalities and will provide civic education, human rights training, municipal government development, and conflict resolution assistance.

Mr. Speaker, by every account, the OAS-CIAV mission was a great success for both Nicaragua and the OAS itself, and this resolution congratulates the OAS-CIAV mission for a job well done.

This resolution we are considering was passed unanimously by both the Subcommittee on the Western Hemisphere and the full Committee on International Relations, and is similar to a resolution introduced by the chairman of the Committee on Foreign Relations in the other body and passed by the full Senate last year.

I want to thank the chairman and ranking member of the full committee for their support as well as the ranking member of the subcommittee, the gentleman from New York (Mr. ACKERMAN) and cosponsors, the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from New Jersey (Mr. MENENDEZ), and I urge passage of the concurrent resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LUTHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this resolution, and I commend the gentleman from New York (Mr. ACKERMAN) and the gentleman from California (Mr. GALLEGLY) for introducing it.

Like the OAS verification mission before it, the technical cooperation

mission defends the human rights of the most vulnerable Nicaraguans and supports local communities in their efforts to build independent institutions. Independent institutions are the backbone of democracy, and we are right to support their development.

I would note, Mr. Speaker, that the Government of Nicaragua still has not appointed a human rights ombudsman, despite its announcement to do so. That ombudsman can play a critical role in institutionalizing respect for human rights in Nicaragua, and the appointment of such an ombudsman would send a clear signal that the government is committed to the protection of human rights. Nevertheless, Mr. Speaker, this resolution deserves our support, and I urge my colleagues to join me in voting yes on this important measure.

Mr. Speaker, I yield back the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I rise in strong support of H. Con. Res. 222.

I want to thank the distinguished Subcommittee on the Western Hemisphere chairman, the gentleman from California (Mr. GALLEGLY), and the ranking minority member, the gentleman from New York (Mr. ACKERMAN), for introducing H. Con. Res. 222, which will serve as a companion resolution to Senate Con. Res. 40 already passed by the Senate.

This resolution provides long overdue recognition to the OAS-CIAV mission which successfully demobilized 22,500 members of the Nicaraguan resistance after the democratic elections of 1990 ended the 10-year Marxist-Leninist-Sandinista regime. Led by Santiago Murray and Sergio Caramagna, the CIAV mission helped Nicaraguan peasants who had taken up arms against the Sandinistas' one-party dictatorship to reintegrate themselves into Nicaraguan civil society.

The CIAV mission always maintained the highest standards of professionalism in the conduct of investigations of human rights abuses against some of Nicaragua's poorest and least represented people. The CIAV mission members earned the respect of all of the resistance fighters, and when former resistance members took up arms to press demands with the Nicaraguan Government, the CIAV officials acted with great skill and bravery on numerous occasions to negotiate peaceful resolutions to highly explosive situations.

Mr. Speaker, it is notable that the CIAV mission, with limited resources, worked with church groups to create peace and justice commissions to carry on the conflict resolution and civil society building work which the CIAV

began. The follow-on OAS technical mission continues to nurture these important civil society groups in the most isolated and violent parts of Nicaragua.

Additionally, I want to take the opportunity to urge the Government of Nicaragua to move to name a professional, credible individual to serve as that country's human rights ombudsman. This is important, since the downsized successor to the OAS-CIAV has ceased providing independent human rights reporting.

Mr. ACKERMAN. Mr. Speaker, House Concurrent Resolution 222 commends the Organization of American States for its role in successfully aiding the transition of Nicaragua from Civil War to democracy.

Mr. Speaker, the OAS role in Nicaragua has proven to be invaluable. The international support and verification commission has resettled former combatants; distributed food and humanitarian assistance; and investigated and documented human rights abuses. In addition, the OAS-CIAV brokered negotiations between the Government of Nicaragua and the re-armed groups; provided critically needed infrastructure; and established local peace commissions to provide an avenue for alternative dispute resolution.

Clearly, Santiago Murray and Sergio Caramagna are to be commended for their work as are all the members of the OAS-CIAV team and the follow-on OAS technical cooperation mission. These dedicated professionals have labored long and hard to ease the journey as Nicaragua consolidates its democracy.

I want to thank and commend the chairman for introducing the resolution and I urge my colleagues to support the resolution.

Mr. GALLEGLY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 222.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### CONGRATULATING THE PEOPLE OF THE COOPERATIVE REPUBLIC OF GUYANA FOR HOLDING MULTIPARTY ELECTIONS

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 215) congratulating the people of the Co-operative Republic of Guyana for holding multiparty elections, as amended.

The Clerk read as follows:

H. CON. RES. 215

Whereas the people of Guyana voted on December 15, 1997, to re-elect the ruling party, the People's Progressive Party/Civic (PPP/Civic);

Whereas the Guyanese people showed their strong belief in the democratic process by approximately an 88 percent voter turnout;

Whereas the main opposition party, the People's National Congress (PNC) has alleged that the elections were not free and fair; and

Whereas although international observers such as the Organization of American States (OAS), the Commonwealth, and the International Foundation of Electoral Systems (IFES) have unanimously agreed, based on their observations on election day, that the polling process was free and fair, it has been alleged that violations occurred in the counting process, necessitating an audit of the elections by the Caribbean Community (CARICOM): Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress—*

(1) congratulates the people of Guyana for holding multiparty presidential elections by proportional representation;

(2) supports the audit of the elections by the Caribbean Community (CARICOM), an organization deemed acceptable to all parties;

(3) calls on all parties and opposition leaders to respect the outcome of the audit as the final decision and make a vow to peace and stability in Guyana; and

(4) calls on the newly elected president of the Co-operative Republic of Guyana to respect the rule of law and human rights.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GALLEGLY) and the gentleman from Minnesota (Mr. LUTHER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GALLEGLY asked and was given permission to revise and extend his remarks.)

Mr. GALLEGLY. Mr. Speaker, I rise in support of H. Con. Res. 215. During the congressional recess from October of last year until February 1998, several nations in the Western Hemisphere, including Honduras, Columbia, Jamaica, Costa Rica and Chile, held important Presidential, congressional, or municipal elections. These elections represented another important step in the consolidation of democracy in the Americas. All of these nations deserve our congratulations and support.

One of those elections and subject to this bill was held on December 15 of last year when the people of Guyana went to the polls and elected their new President. H. Con. Res. 215 was introduced by our colleague, the gentleman from New Jersey (Mr. PAYNE) and congratulates the 88 percent of the voters of Guyana who participated in their elections.

By all accounts, these elections were judged to be free and fair by a team of international election observers. Despite the fact that some ballot counting problems did arise which necessitated an international audit, the overall election process was a great success.

□ 1530

Interestingly enough, the new president, Mrs. Janet Jagan, is a U.S.-born native of Chicago who succeeds her husband, the former president who passed away last year.

Mr. Speaker, I again want to congratulate all the peoples and the nations of the hemisphere who have held free and fair elections over the past few months, and commend the gentleman from New Jersey (Mr. PAYNE) my good friend, for introducing this resolution, and I urge its adoption by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. LUTHER. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this resolution.

Mr. Speaker, I support this resolution and I commend the gentleman from New Jersey (Mr. PAYNE) for introducing it. After the elections in December, the situation in Guyana looked grim. Many political actors threatened violence and threatened to ignore the outcome of the elections. The intervention of the Caribbean Community averted what could have been a very violent situation.

But, Mr. Speaker, democracy in Guyana has a long way to go and this resolution recognizes that. All parties in Guyana must recognize the rule of law and human rights if democracy is going to overcome years of ethnic and racially charged politics, and we are right to call on them to do that.

This resolution deserves our support, and I urge my colleagues to join me in voting "yes" on this important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H. Con. Res. 215. First, I would like to thank the distinguished gentleman from California (Mr. GALLEGLY) chairman of the Subcommittee on the Western Hemisphere, and the gentleman from Minnesota (Mr. LUTHER) who is managing the bill for the minority on this measure today.

Mr. Speaker, I also would like to thank the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Georgia (Mr. BISHOP) for submitting H. Con. Res. 215.

On December 15, 1997, Guyana held elections that were judged by international monitors to be free and fair elections. However, opposition parties alleged some serious irregularities. This resolution points out that an audit of the elections was requested of the Caribbean Community, CARICOM. This resolution also lends support to CARICOM's efforts and urges the competing political parties in Guyana to respect the outcome of the CARICOM audit.

Mr. Speaker, I would like to endorse, particularly, the resolution's call on the elected President of Guyana to respect the rule of law and human rights.

Accordingly, I support H. Con. Res. 215 and I thank the gentlemen for bringing it to our attention at this time.

Mr. LUTHER. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PAYNE), the author of the resolution.

Mr. PAYNE. Mr. Speaker, I thank the gentleman from Minnesota (Mr. LUTHER) and the gentleman from California (Mr. GALLEGLY), and also the gentleman from New York (Chairman GILMAN) chairman of the full committee, for the outstanding work that they have done in this issue which is very important to me.

Mr. Speaker, I am very concerned, and have been, about events in Guyana, a wonderful place where the people deserve better.

First, let me congratulate the people of the Cooperative Republic of Guyana for holding multiparty elections on December 15, 1997. I was saddened to learn about the violence that erupted post-election. Although the Guyanese people showed their strong belief in the democratic process, as shown by the 88 percent voter turnout, factions in the country called for civil disobedience and there was looting and rioting for many days following the elections.

In January between 15,000 and 20,000 people were rioting in the streets. I know that Janet Jagan of the People's Progressive Party/Civic, PPP/C, won by a small majority. Nevertheless, a win is a win, and the majority has a right to rule with minority having the right to participate.

Opposition political parties and international observers invited to monitor the elections concluded that while the voting on election day was fair and free, there were some concerns with the counting of the votes. The results have since been challenged and an audit of the votes and the process have been started by the Caribbean Community, CARICOM, an organization deemed acceptable to all parties in that country.

However suspicious the confusion in the election commission, however wrong the opposition feels, mob violence does not address any of these issues. I will be anxious, as I am sure all of us will be, to hear of the results of the audit. At that time I believe we can move forward with the president on a number of issues.

In conclusion, I would hope that all parties, along with the newly elected president of the Cooperative Republic of Guyana, will respect the rule of law and human rights. I know that in Africa the newly elected president of Liberia, Charles Taylor, has appointed members of the opposition faction in his country to create a human rights organization. I would hope that President Janet Jagan would extend her government offices to all of the people of Guyana, and in particular the African-Guyanese descent that felt that the election did not go right.

Mr. Speaker, I think that if she brings in all of the political parties, op-

position as well as majority, I think that the country will move forward in the right direction. I am hopeful that it will happen. I wish the new President success once there is the conclusion of the audit.

Mr. ACKERMAN. Mr. Speaker, House Concurrent Resolution 215 is a straightforward resolution which commends the people of Guyana for conducting what were, by all accounts, free and fair elections.

An assessment of the voting by the International Foundation for Election Systems indicates that election day went very smoothly, that poll workers were professional, that relations between the poll workers and poll watchers from the major parties were cordial, and turnout was very high.

The problems began after the polls closed when it became apparent that the poll workers were not as well trained in the mechanics of counting the votes as they were in actually administering the polls. In some instances, the elections commission had to reject incomplete tally sheets because they could not determine where the votes had been cast. In addition, the reporting of the returns took several days and caused public unease and suspicion which in turn led to unrest and violence.

The resolution makes note of these issues; commends the Caribbean community for its offer to audit the results; and urges all parties to respect the outcome of the audit, and to work for peace and stability in Guyana by supporting the rule of law and respecting human rights.

Mr. Speaker, I want to thank and commend our colleagues Congressmen PAYNE and BISHOP, for introducing the resolution, and Chairman GALLEGLY for moving forward with the bill.

I urge my colleagues to support the resolution.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today in support of H. Con. Res. 215, and join its sponsors in congratulating the people of Guyana for holding multiparty elections.

Mr. Speaker, the people of the Caribbean have long led the way in Latin America in the practice of free and fair elections. Even before Jamaica and Trinidad gained their independence from Great Britain in the early 1960's, the islands, for the most part, generally were engaged in the practice of freely electing their local political leaders.

In addition to Guyana, 1997 also saw free and fair elections in Jamaica and in St. Lucia. In my District, the U.S. Virgin Islands, we have been electing our Governors since 1970 and our local Legislative council since the early 1900's.

While I support the resolution before us, I must caution that the process of the 1997 Guyana election is still ongoing.

I commend the people of Guyana and the other Caribbean governments for their decision to let representatives of CARICOM conduct an audit of the 97 Guyana Presidential elections and I call on all concerned to await the outcome of the audit.

Last Friday, my colleagues DONALD PAYNE, the prime sponsor of this resolution, Representative MAJOR OWENS and our newest colleague, Congresswoman BARBARA LEE, hosted a breakfast meeting with the Secretary General of CARICOM. It was a very informative meeting and I believe, will serve as the basis for a closer relationship between members of this body and CARICOM.

Mr. Speaker I applaud efforts of the authors of this resolution and the people of Guyana in the struggle for greater democracy and urge my colleagues to vote yes on H. Con. Res. 215.

Mr. GALLEGLY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LUTHER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 215, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### SENSE OF CONGRESS ON 50TH ANNIVERSARY OF FOUNDING OF MODERN STATE OF ISRAEL

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 102) expressing the sense of the Congress on the occasion of the 50th anniversary of the founding of the modern State of Israel and reaffirming the bonds of friendship and cooperation between the United States and Israel.

The Clerk read as follows:

H.J. RES. 102

Whereas on November 29, 1947, the United Nations General Assembly voted to partition the British Mandate of Palestine, and through that vote, to create the State of Israel;

Whereas on May 14, 1948, the people of Israel proclaimed the establishment of the sovereign and independent State of Israel and the United States Government established full diplomatic relations with Israel;

Whereas the desire of the Jewish people to establish an independent modern State of Israel is the outgrowth of the existence of the historic Kingdom of Israel established three thousand years ago in the city of Jerusalem and in the land of Israel;

Whereas one century ago at the First Zionist Congress on August 29 to 31, 1897, in Basel, Switzerland, participants under the leadership of Theodore Herzl affirmed the desire to reestablish a Jewish homeland in the historic land of Israel;

Whereas the establishment of the modern State of Israel as a homeland for the Jews followed the slaughter of more than six million European Jews during the Holocaust;

Whereas since its establishment fifty years ago, the modern State of Israel has rebuilt a nation, forged a new and dynamic society, and created a unique and vital economic, political, cultural, and intellectual life despite the heavy costs of six wars, terrorism, international ostracism, and economic boycotts;

Whereas the people of Israel have established a vibrant and functioning pluralistic democratic political system including freedom of speech, a free press, free and fair and open elections, the rule of law, and other democratic principles and practices;

Whereas, at great social and financial costs, Israel has absorbed hundreds of thousands of Jews from countries throughout the



world, many of them refugees from Arab countries, and fully integrated them into Israeli society;

Whereas for half a century the United States and Israel have maintained a special relationship based on mutually shared democratic values, common strategic interests, and moral bonds of friendship and mutual respect; and

Whereas the American people have shared an affinity with the people of Israel and regard Israel as a strong and trusted ally and an important strategic partner: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States—

(1) recognizes the historic significance of the fiftieth anniversary of the reestablishment of the sovereign and independent modern State of Israel;

(2) commends the people of Israel for their remarkable achievements in building a new state and a pluralistic democratic society in the Middle East in the face of terrorism, hostility and belligerence by many of her neighbors;

(3) reaffirms the bonds of friendship and cooperation which have existed between the United States and Israel for the past half-century and which have been significant for both countries; and

(4) extends the warmest congratulations and best wishes to the State of Israel and her people for a peaceful and prosperous and successful future.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, H. Res. 102 expresses the sense of the Congress on the occasion of the 50th anniversary of the founding of the modern State of Israel. It reaffirms the bonds of friendship and cooperation between our Nation and the State of Israel.

I want to commend our colleague on the Committee on International Relations, the gentleman from California (Mr. LANTOS) for his leadership in sponsoring this resolution and for his unstinting support of the State of Israel over the years.

H. Res. 102 has been cosponsored by more than a majority of our House Members. Such support is yet another indication of the special esteem in which we hold the State of Israel.

Mr. Speaker, over 50 years ago the United Nations General Assembly voted to partition the British Mandate of Palestine, and through that vote to create the State of Israel. On May 14,

1948, Israel became a sovereign state and the United States, under President Harry Truman, recognized that state.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind the guests in the gallery that they are guests of the House and please keep their conversations to a minimum.

Mr. GILMAN. Mr. Speaker, within 11 minutes of that recognition, President Harry Truman recognized the State of Israel. According to the Jewish calendar, that anniversary will be celebrated this week.

The modern state of Israel was re-born after thousands of years thanks to the leadership and years of dedicated commitment by Theodore Herzl and hundreds and thousands of men and women who, sharing his vision, worked tirelessly to make that dream a reality.

The reestablished state of Israel became a homeland for Jews who survived Hitler's slaughter, as well as those who fled Arab lands as well as others in which they had been persecuted. Despite all of those difficulties, Israel has absorbed hundreds of thousands of Jews over the past five decades, and has become a thriving multicultural democracy that holds a special place as a strong ally of our own Nation.

The special relationship that we in our Nation share with Israel is based on democratic values, common strategic interests and moral bonds of friendship and mutual respect. Israel is a strong and trusted friend and is an important strategic partner.

Mr. Speaker, H.J. Res. 102 therefore recognizes the historic significance of the 50th anniversary of the reestablishment of the sovereign and independent modern state of Israel. The resolution commends the people of Israel for their remarkable achievements despite the terrorism, the hostility and belligerence by many of its neighbors.

This legislation reaffirms the bonds of friendship and cooperation which have existed between our Nation and Israel for the past half century and which have been significant for both nations. The resolution also extends our warmest congratulations and best wishes to the state of Israel and to her people for a peaceful, prosperous and successful future.

Accordingly, Mr. Speaker, I urge our colleagues' full support for H.J. Res. 102.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first acknowledge in the gallery the distinguished Ambassador of the State of Israel and his party for having joined us for this very significant occasion.

Mr. Speaker, I want to thank the distinguished gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, my good friend, for his kind words. Let me

just say no one in this body has been a more steadfast supporter of the democratic state of Israel than Chairman GILMAN, who through the years, with action after action, has demonstrated his profound commitment to this democratic friend and ally of the United States and to the ultimate goal of that democratic friend and ally, the securing of a permanent and stable peace in the region.

Mr. Speaker, I would like to first briefly discuss the essence of my resolution. We here in the Congress are congratulating the modern state of Israel, which is the outgrowth of the existence of the historic Kingdom of Israel established thousands of years ago in the City of Jerusalem and in the land of Israel.

The establishment of the modern State of Israel 50 years ago followed the slaughter of more than 6 million Jews in the concentration camps and gas Chambers of Europe.

Since being created as a tiny nation on a tiny piece of land with a population of some 600,000, the modern state of Israel has rebuilt a nation, forged a new and dynamic society, created a unique and vital economic, political, cultural and intellectual life, despite mind-boggling costs of six wars started against it, continuing terrorism, international ostracism and severe economic boycotts.

□ 1545

The people of Israel have established a vibrant, functioning, pluralistic democratic system which cherishes the right of free speech, free press, free and fair and open elections, the rule of law, and all the democratic practices of a free society.

During the 50 years of its existence, this young State absorbed well over a million refugees from throughout the world, ranging from Ethiopia to the former Soviet Union and integrated these people fully into the very fabric of Israeli society.

For a half a century, the United States and Israel have maintained a special and unique relationship based on mutually shared democratic values, common strategic interests, and moral bonds of friendship and mutual respect.

The American people have shared an affinity with the people of Israel and regard Israel as a strong and trusted ally and an important strategic partner in the Middle East.

The resolution we are about to vote on recognizes the historic significance of the 50th anniversary of the reestablishment of the sovereign and independent modern State of Israel. The resolution commends the people of Israel for their remarkable achievements in building a new State and a pluralistic democratic society in the Middle East in the face of terrorism,



hostility, and belligerence by many of her neighbors.

It reaffirms the bonds of friendship and cooperation which have existed between the United States and Israel for a half a century and which have been significant and beneficial to both of our countries.

Of course, it finally extends our warmest congratulations and best wishes for the State of Israel and for her people for a future of peace, prosperity, and success.

Mr. Speaker, yesterday on the White House lawn, in a magnificent ceremony, President Clinton was awarded an honorary doctorate from Israel's leading university, the Hebrew University in Jerusalem.

During the course of his acceptance speech, among others, the President had these ideas to share with us: I accept this honor today, he said, on behalf of my predecessors, beginning with Harry Truman, nine American Presidents all devoted to Israel's security and freedom, all committed to peace in the Middle East. I accept it on behalf of the American people who have formed, not just an alliance, but a profound friendship with the people of Israel over these last 50 years.

Today we celebrate those extraordinary 50 years. In 1948, Israel arose from the seeds of the Diaspora and the ashes of the Holocaust. The children of Abraham and Sarah, survivors of 2,000 years of exile and persecution, were home at last and free at last.

For its founders, the Israeli State was, however, about even more than securing a haven for the Jewish people after centuries of suffering and wandering. Isaiah prophesied that Israel would become a light unto the nations, and David Ben-Gurion, the first President of this new nation, and his allies set out to make that prophesy come true by establishing a society of light, embracing what Ben-Gurion called the higher virtues of truth and justice and compassion.

Ben-Gurion, Mr. Speaker, believed Israel could lead the world to a better future by marrying the ethical leadership of the ancients with the discoveries of modern science. I quote him: "It is only by the integration of the two that the blessings of both can flourish." Of course, he also envisioned a third great achievement for Israel that, with the strength and wisdom and skill, Israel would build a lasting peace with its Arab neighbors.

Relations between our two nations were born of another leader's courage and vision. Harry Truman brushed aside the urgings of his advisors, as he so often did, when they said, go slow, wait and see before offering Israel its recognition.

For Harry Truman, supporting the State of Israel was a moral imperative rooted in his understanding of the sufferings and the dreams of Jews from Biblical times. As we learned yesterday on the White House lawn, our recognition of Israel occurred just 11 minutes

after Israel proclaimed its independence. We, in becoming the first nation to recognize Israel, had one of our proudest moments.

Not only that, Mr. Speaker, but 50 years later, old Harry Truman looks pretty smart. Look what Israel has done. Under a brilliant blue sky, the Israelis have built prosperous farms, planted forests, turned streets of sand into shining boulevards, raised families and welcomed the arrival of brothers and sisters from Europe and North Africa, from Russia and Ethiopia, from all over the world. They have dazzled the world with their achievements in science and scholarship and literature and art. They have built a thriving democracy.

Despite the passage of 50 years, Israelis seem to practice their freedom as if they had only just gained it yesterday. They never seem to cease challenging themselves about their history, their relationship with their neighbors, the hard choices for the future.

If anyone ever wonders whether there is ever a place in the world where you can have freedom and honest vigorous 24-hour-a-day, 7-day-a-week, 365-day-a-year argument, go to Israel.

It is truly one of the most pulsating, vibrant places on the face of this planet. Alive with thousands of sounds, prayers in dozens of languages in the Old City; young people gathered on the avenues of Tel Aviv, computer keyboards tapping; new ventures launched on the Internet; school children now conversing in Hebrew, once the language only of the sacred text, now the voice of an Israeli renaissance.

The economy that has been propelled by all this energy and activity into being one of the most advanced and diversified in the world last year exported \$32 billion worth of goods, 1,000 times their level of 50 years ago.

High-tech companies and high-tech people. You go to Israel, it looks as if you cannot be a citizen of Israel unless you have a cell phone glued to your hand.

Israelis have gone a very long way of fulfilling the first two pieces of Ben-Gurion's mission. Surely they have built an ethical, democratic society, a society which is based on modern science and technology. It has endured against unspeakable odds by prevailing again and again in battle. The valor of its soldiers and military and political leaders are legendary.

But the battle for the third piece of Ben-Gurion's vision, a just and secure and lasting peace, is still being waged and still in blood and tears. Camp David brought peace between Israel and Egypt, but it cost Anwar Sadat his life.

On the White House lawn, on a brilliant day in September of 1993, Yitzhak Rabin committed himself not only to an agreement with the Palestinians, but to a comprehensive peace in the Middle East. And how bravely he pursued it, but it cost him his life.

Jews and Arabs who have wanted nothing more than to live quiet, nor-

mal lives are still denied that simple pleasure. Still, Mr. Speaker, as the new century dawns, the world is filled with the promise and hope that we can overcome ancient hatreds to build a modern peace for our children.

From Guatemala to Mozambique and to Bosnia, and now even to Ireland, longtime antagonists have left the battle ground to find common ground. They are weary of war. They long for peace for their children and for their grandchildren. They move beyond hatred to hope.

Mr. Speaker, this is a time for reconciliation around our globe. It must be a time to deepen freedom and to raise up life in the Middle East. The 21st century can and must be a century of democracy, prosperity, justice, and most of all of peace; but it can only be a century of peace if we learn not only to respect, but to honor our differences. It is in that spirit that I ask my colleagues to join me in approving this resolution, commending the State of Israel on its 50th anniversary.

Mr. Speaker, I include the following for the record:

#### REMARKS BY THE PRESIDENT AT RECEPTION FOR THE 50TH ANNIVERSARY OF ISRAEL

The PRESIDENT. Thank you very much. Mr. President, Director, all the officials of Hebrew University. Mr. Vice President, members of the Cabinet, the administration, members of the Congress. I'd like to especially thank Dr. Dunn, Dr. Nyang, Dr. Schorsch, and Richard Dreyfuss and Linda Lavin for their wonderful contributions to this day. To Ambassador and Mrs. Ben-Elissar, thank you for being here. To all of our former ambassadors to the United States and other distinguished guests from Israel, and my fellow Americans.

I'd also like to ask that we give a special word of appreciation to the people who provided all that wonderful music which got us in the right frame of mind. Thank you very much. (Applause.) If you could hang around here for a month or two, I think we might get some things done—you'd keep us all in a very positive frame of mind.

I am very honored to receive this degree from Hebrew University of Jerusalem—honored because its founders include Chaim Weizmann, Martin Buber, Sigmund Freud and Albert Einstein; honored because it is now one of the world's leading centers of learning and research.

I must say, I never expected to be doing this here. Many American universities have satellite campuses where working people like me can obtain degrees at locations near their homes and offices. (Laughter.) This is more than I ever could have anticipated. (Laughter.)

President Magidor, thank you for bringing this ceremony here so that those of us who cannot go to Israel in a couple of days may share in the celebration of this magnificent 50th birthday.

I accept this honor today on behalf of my predecessors, beginning with Harry Truman—nine American Presidents all devoted to Israel's security and freedom, all committed to peace in the Middle East. I accept it on behalf of the American people who have formed not just an alliance, but a profound friendship with the people of Israel over these last 50 years.

Today we celebrate that extraordinary 50 years. In 1948, Israel arose from the seeds of the Diaspora and the ashes of the Holocaust. The children of Abraham and Sara, survivors

of 2,000 years of exile and persecution, were home at last and free at last. For its founders, the Israeli state was, however, about even more than securing a haven for the Jewish people after centuries of suffering and wandering. Isaiah prophesied that Israel would become "a light unto the nations," and David Ben-Gurion and his allies set out to make that prophecy come true by establishing a society of light, embracing what Ben-Gurion called the higher virtues of truth, justice, and compassion.

Ben-Gurion believed Israel could lead the world to a better future by marrying the ethical teachings of the ancients with the discoveries of modern science. "It is only by the integration of the two," he wrote, "that the blessings of both can flourish." Of course, he also envisioned a third great achievement for Israel that, with strength and wisdom and skill, Israel would build a lasting peace with its Arab neighbors.

As we have heard today, relations between our two nations were born of another leader's courage and vision. Harry Truman brushed aside the urgings of his advisors, as he often did, when they said go slow, wait and see, before offering Israel recognition. For him, supporting a Jewish homeland was a moral imperative rooted in his understanding of the sufferings and dreams of the Jews from biblical times. And as we learned from Richard's wonderful reading, it occurred just 11 minutes after Israel proclaimed independence. We, in becoming the first country to recognize Israel, had one of our proudest moments. (Applause.)

Not only that, 50 years later, old Harry Truman looks pretty smart. (Laughter.)

Look what Israel has done. Under a brilliant blue sky, the Israelis have built prosperous farms and kibbutzes, planted forests, turned streets of sand into shining boulevards, raised families and welcomed the arrival of brothers and sisters from Europe and North Africa, from Russia and Ethiopia, and America. Israelis have dazzled the world with achievements in science and scholarship, in literature and the art. They have built a thriving democracy.

And despite the passage of 50 years, Israelis seem to love and practice their freedom as if they had only just gained it. They never seem to cease challenging themselves about their history, their relationship with their neighbors, the hard choices for the future. If anyone ever wonders whether there is ever a place in the world where you can have freedom and honest, vigorous, 24-hour-a-day, seven-day-a-week, 365-day-a-year argument, go to Israel. (Laughter and Applause.)

It is truly one of the most pulsating, vibrant places on Earth—alive with thousands of sounds, prayers in dozens of languages in the Old City; young people gathered on the avenues of Tel Aviv, computer keyboards tapping; new ventures launched on the Internet; school children now conversing in Hebrew, once the language only of sacred text now the voice of an Israeli renaissance. And the economy has been propelled by all this energy and activity into being one of the most advanced and diversified in the world—per capita income now matching nations in Europe; exports last year were \$32 billion dollars, 1,000 times their level in 1948.

Hi-tech companies, hi-tech people. You go to Israel, it looks as if you can't be a citizen of Israel unless you have a cell phone glued to your hand. (Laughter.) Yes, Israelis have gone a very long way toward fulfilling the first two pieces of Ben-Gurion's vision. Surely they have built an ethical, democratic society, and a modern science and technology-based economy. It has endured against great odds by prevailing again and again in battle. The valor of citizen soldiers and military and

political leaders like Golda Meir, Moshe Dayan, Yonnie Netanyahu.

But the battle for the third piece of Ben-Gurion's vision—a just, secure and lasting peace—is still being waged and still in blood and tears. Camp David brought peace between Israel and Egypt, but it cost Anwar Sadat his life. Here on this very spot, on a brilliant day in September of 1993, Yitzhak Rabin committed himself not only to an agreement with Mr. Arafat, but to a comprehensive peace in the Middle East. How bravely he pursued it. But it cost him his life.

Jews and Arabs who have wanted nothing more than to live quiet, normal lives are still denied that simple pleasure. Still as the new century dawns, the world is filled with the promise and hope that we can overcome ancient hatreds to build a modern peace for our children.

From Guatemala to Mozambique to Bosnia, and now even to the land of my ancestors in Ireland, longtime antagonists have left the battleground to find common ground. They are weary of war. They long for peace for their children. They move beyond hatred to hope.

This is a time for reconciliation around the world. It must be a time to deepen freedom and raise up life in the Middle East. The 21st century can and must be a century of democracy, prosperity and justice, and of course, of peace. But it can be only if we learn not only to respect, but to honor our differences. The Middle East can build on the momentous achievements of its Nobel Prize winners—Begin and Sadat, Arafat, Peres and Rabin—so that all its children may grow up without fear.

In a land holy to three great religions, sacred sites for Islam, Judaism and Christianity exist side by side. If there is so much history there, the children of all that history should be able to live together.

Again and again, extremists have sought to derail peace with bullets and bombs. Again and again, they demonstrate the real divisions today are not between Jews and Arabs, but between those stuck in the past and those who long for a better future; between those paralyzed by hatred and those energized by hope; those who stand with clenched fists and those who reach out with open hands. We cannot let the extremists prevail. Israel can fulfill its full promise by drawing on the courage and vision of its founders to achieve peace with security. Never has the opportunity been more real and it must not be lost.

You know, I was sitting here on the stage today listening to everything that was said and thinking of all the great gifts that Israel has given the United States. In 1963, 35 years ago this year, when Israel was still a young nation and President Kennedy was killed, your then-United Nations Ambassador, Mr. Eban, gave an enormous gift to the American people in all of our pain by putting in one short, terse sentence how we all felt when he said, tragedy is the difference between what is and what might have been. As we look ahead to tomorrow, let us define triumph by turning his formula on its head. Triumph is when there is no difference between what might have been and what (Applause.)

Let us in the United States say that we will stand by Israel, always foursquare for its security, always together in friendship, but we want this debate to continue until there is no difference between what might have been and what is. (Applause.)

We look at Hebrew University and see all three pieces of David Ben-Gurion's dream coming to life. We see biologists developing techniques to locate a single cancer cell among millions of healthy ones. We see the

moral commitment to keeping people's health among the scientists there. We see Hebrew University researchers undertaking efforts in cooperation with Palestinian researchers in East Jerusalem. One of the participants in the project said, it's science and peace together. We know that much more is possible. We must understand that much more is essential.

Fifty years from now the 21st century will near its midpoint and Israel will have a 100th birthday celebration. Sure as the world, our grandchildren will be hanging around here on this lawn. What do you think they'll be able to say? And what will they be celebrating? It is my dream that on that 100th anniversary, people from every country in the Middle East will gather in the Holy Land, and all the land will be holy to all of them.

As a Christian, I do not know how God, if He were to come to Earth, would divide the land over which there is dispute now. I suspect neither does anyone else in this audience. But I know that if we all pray for the wisdom to do God's will, chances are we will find a way to close the gap in the next couple of years between what might be and what is. I think that is what we owe the founders of Israel—to finish Ben-Gurion's dream.

Thank you and God bless you all. (Applause.)

#### REMARKS BY VICE PRESIDENT AL GORE—50TH ANNIVERSARY CELEBRATION FOR ISRAEL

Thank you all so very much for those profound and moving words.

It is a privilege to be here with you today. A half century ago, on a morning bursting with the promise of spring, a small group of rabbis and statesmen, workers and *kibbutzim*, dreamers, soldiers and survivors gathered at the Tel Aviv Museum, under a portrait of Theodore Herzl—and listened as the wise and brave David Ben-Gurion read the Scroll of Independence: "By virtue of our national and intrinsic right," he said, "we hereby declare the establishment of a Jewish state in Palestine, which shall be known as the State of Israel."

Thus—quietly and triumphantly—a sovereign Israel at last had been born in the promised land. And only eleven minutes later, a daring Harry S Truman became the very first among world leaders to recognize the newly-proclaimed Jewish state.

Today we gather as one nation to give thanks for the fiftieth anniversary of this remarkable moment of hope and history.

But in a larger sense, we gather today not just to celebrate Israel's independence—but to give thanks for the miracle of her survival; for the history of Israel and the Jewish people is the story of the redemption and freedom of all oppressed peoples everywhere.

For more than four millennia, Judaism has struggled over four continents and six civilizations. After enslavement by the Pharaohs, wandering in Canaan, destruction in Judah, captivity in Babylon; after the strife of the Maccabees, oppression by the Romans; as children of the ghetto in the Middle Ages, as victims of the camps, Judaism has survived. And—my friends—Israel survives.

It survives because of the ingenuity and foresight of men and women with names like David Ben-Gurion and Chaim Weizmann and Golda Meir; Shimon Peres, Yitzhak and Leah Rabin, and Yonni and Bibi Netanyahu.

It survives and is nurtured every day by the morality of the Torah, the social justice of the Prophets, and the eternal Jewish values of family and faith.

It survives not as an artifact or a monument. No; Israel is vital, and is constantly renewed by its diversity, and its creativity.

Israel has proven to be far more than the land of "milk and honey"; it is a land of poetry and culture and learning and life, of

technology and science and commerce, of productivity and prosperity unrivaled virtually anywhere in the world.

We gather here today not only to celebrate these achievements, but also to proclaim for all to hear that the dream of an Israel free, secure, and at peace, in a world where the echoes of anti-Semitism are heard no more, will be a reality for all time.

I want you to know that Israel never has had a better friend in the White House than President Bill Clinton.

That is what Israel's leaders will tell you, and that is what the historians and the history books will tell in the future as well.

Our friendship with Israel is not merely with one or another of its political parties. Our ties are deeper: they are forged by an iron-clad commitment to Israel's security and well-being, to combating terrorism, to stopping the spread of weapons of mass destruction; and to achieving a just, lasting, and comprehensive peace between Israelis and Palestinians, Egyptians, Jordanians, Syrians, and Lebanese and all who live in this holy land.

In two days, Tipper and I will travel to Israel to represent the American people at the celebration of Israel's 50th anniversary of independence. This is a great honor. I know we will carry the yearnings of millions of Americans for peace in the promised land; for a new season of joy, and a new jubilee of hope.

There is a wonderful song of Israel which is called *al kol eileh*—For all these things. Let me share with you some of its lyrics:

For all these things, please watch over for me my good God;

Please don't uproot that which is planted.

Don't forget the hope

Bring me back, and I shall return to the good land. *El ha'a-retz hatovah.*

As we prepare to begin our own special journey to the good land, may we never forget the hope that God who makes peace in the heavens will grant peace here on Earth, among us, on Israel and upon all the inhabitants of the world.

Thank you very much.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield whatever time he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank my very dear friend, the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations for yielding me this time.

Mr. Speaker, I would simply like to rise to echo the remarks of my very dear colleague the gentleman from California (Mr. LANTOS) in extending a very important 50th anniversary congratulations.

When one thinks about this alliance which has begun since the outset of the existence of the State of Israel, it is a very key one. When one thinks about the sacrifices that have been made on part of the Israeli people for interests that are, quite frankly, in many cases, those of the United States of America, I think it is very fitting and appropriate that we, as a Nation, mark this very, very important milestone.

I would simply like to express my appreciation to my colleagues for moving ahead with this resolution and extend the hardest congratulations possible.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 3 minutes to my distinguished colleague, the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I thank the gentleman from California for yielding and commend the gentleman from California for his profound statement this afternoon in recognition of the 50th anniversary of the establishment of the modern State of Israel.

While I failed to and have not heard the statement from others this afternoon, I know that the distinguished chairman has a statement, but I would certainly associate myself with the profound remarks that the gentleman from California and I know my colleague, the gentleman from New York (Mr. GILMAN), the chairman of the committee, will make.

I simply want to rise and support this resolution. As we have said that the founding of the modern State, of course, is predicated on the fact that, for 2,000 years, without a physical presence and a nationalism which has come to characterize nation states today, the faith of the people of Israel persisted to such an extent that it has had a positive contribution in so many nations around the world.

□ 1600

I doubt that one could find a religious group that has upheld their values, and I would say those values have woven their way into what we characterize as Judeo-Christian tradition.

And so the celebration today is really one of recognizing the importance of the individual, the very old but I might say contemporary values that have served our Nation and served the people, mankind, that are so well embraced in the Jewish faith. And it is indeed a celebration to recognize that in this world today that this threat of human history, this continuity has been embraced in terms of a nation state.

Israel, really, as my colleague has said, is a jewel of economic and social success in North Africa; one that I think on occasions has had to rise to the defense of and deal with in other ways to persist in advocating those values but, nevertheless, one that has served mankind very well.

So I am very proud to recognize, as an old faith with a modern face, as my friend said, with a blue sky and the white, great hope that is engendered by this, and especially the positive prospects for the new century. It has not been an easy birth, it has not been an easy life for this nationalism in that part of the world, but I think that with the policies and working together in Congress and with the strong ally of the United States and maintaining those goals, we can ensure that this Nation and this faith and these people and these values are something that we share in common and we can guarantee and assure it into the future with our solidarity.

I commend my colleagues for offering the resolution and join in strong support of it and urge all to support it.

I rise today to honor the fiftieth anniversary of the establishment of the modern State of Israel. Founded in the aftermath of the Holocaust, in which over one-third of the world's Jewish population lost their lives, Israel was established as a homeland for Jews from around the world. A permanent refuge free from oppression and persecution which had persisted for over 2000 years. In 1948, the creation of the free independent state finally rendered a new hope for people of the Jewish faith. Despite the land, the elements and the many adversaries who have done their utmost to extirpate it, Israel has flourished and developed into a dynamic democracy. Today, Israel is a social and economic jewel that persists in offering hope.

No history or culture has been so well documented or remembered as that of the Jewish people. Israeli culture, religious and national identity were formed in the Holy land of Israel. Its vision and faith has been maintained unbroken through the centuries, especially after the majority of Jews were forced into exile. With the establishment of the State of Israel in 1948, Jewish independence, lost two thousand years earlier, was renewed. The events fifty years ago have breathed new life into this age old faith. The physical presence in national terms has been born anew.

Israel has been America's most loyal and devoted ally today. This is evident in American values which exemplify our ideals socially, economically and militarily that safe-guard these guarantees to all peoples. As our Cold War partner, Israel stood firmly in perpetual support for America's global commitment to freedom and democracy. As an example, during the Persian Gulf War, Israel joined the American-led coalition in its action against Iraq. Israel was very tolerant and withstood Iraqi Scud missile attacks as a result. Today, Israel continues to extend its hand in friendship to the United States and the American people.

This anniversary illustrates fifty years of freedom and democracy for the Israeli people. In honor of the special relationship the United States and Israel have maintained based on mutually shared democratic values, common strategic interests, moral bonds of friendship and mutual respect, I extend the warmest congratulations and best wishes to the State of Israel and her people for a peaceful and prosperous and successful future.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I want to thank the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) for bringing this resolution to the floor today. I am deeply pleased to be an original co-sponsor of it.

As policymakers and politicians, we often talk about how Israel is our most important ally in the Middle East, a cherished friend and a democratic society that we must continue to support for the sake of stability and peace. And that is indeed true. But, as a person, I also know that the State of Israel, which is so physically tiny, appears so very large because of its history and its heart and the heart of its people.

Israel has been both a battlefield and a sanctuary, and this year we celebrate

its 50th anniversary as a state. I know that it became that state because of the incredible courage and determination of a people who had faced more evil than a thousand generations could conceive and have survived to reflect both dignity and strength.

I join my colleagues today in this strong celebration and congratulations, recognizing the historic significance of the 50th anniversary of the reestablishment of the sovereign and independent modern State of Israel.

We commend the people of Israel for their remarkable achievement in building a new state and pluralistic democratic society in the Middle East in the face of terrorism, hostility and belligerence by many of her neighbors; and we strongly today reaffirm the bonds of friendship and cooperation which have existed between the United States and Israel. I think of all of the things that America has suffered and has witnessed and has been a part of in our history, the friendship with Israel remains our strongest and most formidable.

It is more important than ever for this Congress not only to support this resolution on its 50th anniversary but through the commitment of the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) that we go about securing this celebration each and every day we are here in this Congress; that we let everyone know, friend and foe alike, that we will always stand side-by-side with Israel; that we will not back down from a challenge and that we will indeed protect and defend them at all possible costs. They would do the same for us and have shown that determination for our abilities in the past.

Again, I just want to strongly echo my support and my sentiments and my pride in our chairman of the committee on H.J. Resolution 102, the 50th Anniversary of the State of Israel.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to my distinguished friend and colleague, the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. I thank my colleague from California for yielding me this time; and, Mr. Speaker, I rise in strong support of this resolution commemorating the 50th anniversary of the founding of the modern State of Israel and join my colleagues in congratulating the people of Israel for their impressive achievements in these 50 years.

This is also an appropriate opportunity to reaffirm the unique bond between the United States and Israel, a bond forged of our common commitment to freedom, justice and peace, and strengthened by the many links between our peoples.

So much has happened since May 14, 1948, when the State of Israel was reestablished following a vote by the United Nations General Assembly to petition the British mandate of Palestine. On that day, the State of Israel was formally proclaimed, and the United States extended diplomatic rec-

ognition to the new state. This day also marked an historic return to the Jewish people, who had established their homeland more than 3,000 years before in the historic kingdom of Israel in the City of Jerusalem.

In 50 years, Israel has developed a vibrant and dynamic society and established a strong economic cultural identity, despite the heavy tolls imposed by six wars, countless terrorist attacks and the hostility of its neighbors. Because of the perseverance, ingenuity, and faith of its people, Israel has overcome the most daunting of challenges and become one of the world's great nations.

Mr. Speaker, few nations could prosper and grow while under siege, on a state of alert and under attack, as Israel has had to do over the last 50 years. For 50 years, the United States Congress has extended bonds of friendship and cooperation to Israel. It is more important than ever that we continue to support Israel economically and militarily today as it makes the difficult decisions needed to secure a lasting peace.

The future will surely bring many new challenges, including the continued threat of terrorism and the added danger imposed by weapons of mass destruction. So it is critical the United States and Israel maintain our unshakeable alliance to further our many mutual interests. May the next 50 years bring continued prosperity, ever stronger friendship between our two nations, and a lasting peace for Israel and all the nations of the Middle East.

I join my colleagues in congratulating the State of Israel and its people on the occasion of its 50th anniversary.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that an additional 30 minutes be made available, to be equally divided between the majority and the minority, for the debate of H.J. Res. 102, since large numbers of our colleagues wish to speak on this subject.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The 30 additional minutes is assigned 15 minutes to each side.

The gentleman from California (Mr. LANTOS) is recognized.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. ROSA DELAURO), my good friend and colleague and a strong friend of Israel.

Ms. DeLAURO. Mr. Speaker, let me congratulate my colleagues, the gentleman from California (Mr. LANTOS) and the gentleman from New York (Mr. GILMAN); and I thank the gentleman from California for yielding me this time.

I rise in strong support of the joint resolution congratulating Israel on the 50th anniversary of its founding.

Today, we mark one of the monumental achievements of the 20th century, the birth of Israel.

In 1948, as the Jewish community and the world was trying to come to terms with the awful brutality of the holocaust, a miraculous thing occurred: The very people who had been victims of the most vicious genocide the world has ever known emerged strengthened and hopeful. And the Jewish people forged that enduring strength and hope into a mission to build a new homeland, Israel.

The war had devastated the Jewish community of Europe, but in Israel there was a new determination to build a new community, a new nation and a secure future. The founders of Israel understood that only by uniting in a common land, with a common language, a common culture could the Jewish people and their heritage survive.

Israel was dedicated not only to physical survival but the survival of the Jewish religious traditions, ethnic customs and history. Israel's 50th anniversary is a reminder of the courage and strength of the human spirit and what it can accomplish. Against all odds and enemies, the people of Israel have united to build a strong nation. It has not been an easy journey, but it has been a triumphant one.

Americans have had the honor over the past five decades to help the brave men and women of Israel in their fight to make their dream a reality, and today we unite with them in the effort to bring peace to the region.

Congratulations to the people of Israel. May you continue to serve as examples of courage, vigilance and dedication to the world.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I want to first congratulate and thank my friend, the gentleman from California (Mr. TOM LANTOS), and the gentleman from New York (Mr. BEN GILMAN), two leaders in this Congress who we look to on regular occasions for their inspiration as well as their wisdom.

We are here to honor a nation of hard-working people, a country that is a thriving democracy of freedom and human rights, a land that has contributed to the world's economy and a sense of moral well-being, yet a state that, on its 50th birthday, still has to fight its neighbors for respect and, yes, for its right to exist.

Israel was founded after World War II, not by war, not by force, but by the United Nations. The Jewish people's ties to the region goes back more than 3,000 years. Every major country in the world supported Israel's creation, just like they supported the creation of other countries, Iraq, Lebanon, Jordan, Syria and Saudi Arabia, all of which nations were created after World War I. The only difference between Israel and these other countries, none of which existed before the 20th century, is this:

Israel is the only western-style democracy in the Middle East, and it is the only nonIslamic state.

The vast majority of these other states are still ruled by bloodthirsty dictators, like Saddam Hussein of Iraq and Hafez Al-Assad of Syria and the supreme leader Khamenei of Iran, and they are also ruled by monarchies, like the tightly controlled monarchy of Saudi Arabia. Yet Israel has thrived despite being surrounded by countries still determined to drive them into the sea.

But she is not a war-torn nation, like the media tries to depict. Israel is a beautiful, safe place, a vacation destination for Americans, Europeans, Asians and Africans alike. She peacefully keeps the Christian, Muslim and Jewish holy sites safe and secure for all visitors from around the globe.

But Israel's 50th anniversary means more than the celebration of its people, its democratic roots, its determination and its ability to survive in a hostile environment. It means Israel should be respected as one nation in the family of nations, especially by the organization that created it, the United Nations.

Israel is America's strongest, most trusted and most reliable ally in the Middle East. At the United Nations, Israel votes with the United States 97 percent of the time, more than any other country in the world. It is time for the United Nations to treat Israel as an equal and not to vote against Israel when it takes measures to protect itself and her citizens from her hostile neighbors.

Israel has earned the world's respect the hard way, making the desert bloom with agriculture, high technology, art, culture and, above all else, democracy. America wishes Israel a very happy 50th birthday, and we want Israel to know that America stands with Israel, our greatest, most trusted ally in the Middle East, now and forever.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA), my good friend who has been a steadfast friend and supporter of the independence and security of the State of Israel.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of House Joint Resolution 102, the legislation which expresses the sense of the Congress on the 50th anniversary of Israel's founding and reaffirmation of the bonds of friendship and cooperation between the United States and the modern State of Israel.

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Mr. Speaker, I am honored to be a cosponsor of this legislation, and I thank our distinguished colleague the gentleman from California (Mr. LANTOS) for introducing this worthy measure. I also commend the gentleman from New York (Mr. GILMAN), chairman of the House Committee on International Re-

lations, and the gentleman from Indiana (Mr. HAMILTON), the ranking member, for his support and for bringing this legislation to the floor.

Mr. Speaker, on May 14, 1948, the modern State of Israel was founded when Israel declared independence and was extended diplomatic recognition by the United States. Today, our legislation honors the 50th anniversary of the reestablishment of the sovereign and independent modern State of Israel and commends the leaders and people of Israel for their remarkable achievements in building a thriving democracy in the Middle East while being threatened constantly with terrorism and war.

Mr. Speaker, the legislation further reaffirms the strong ties of friendship and cooperation that have traditionally bound the people of Israel with the insurance over the past century and extends from Congress our warmest congratulations and best wishes to the State of Israel and her people for peace and prosperity in the future.

Mr. Speaker, the existence of the modern State of Israel is the culmination of a 3,000-year journey from the kingdom of Israel established in old Jerusalem. Today, Israel is America's closest ally in the Middle East, and the people of our two nations share a special relationship based upon democratic values, common strategic interests, and bonds of cooperation and mutual respect.

Mr. Speaker, it was my privilege recently to travel with the gentleman from New York (Mr. GILMAN) and other Members of this body to visit Israel and to especially pay homage to the great site of the late Prime Minister Yitzhak Rabin; and I recalled how this great modern-day warrior, Mr. Rabin, who seriously and who earnestly sought a solution to the crisis between the Israelis and the Palestinians, a man who truly was a peacemaker, a man who wanted so much to have a lasting peace with his blood cousins, the Palestinians, a man who recognized that Arabs and Israelis are, in fact, first cousins under Father Abraham.

And I sincerely hope that the current leadership, Prime Minister Netanyahu of Israel and President Arafat of Palestine, will eventually find the solution for peace to the never-ending problems between Israelis and Palestinians in the Middle East.

Mr. Speaker, the late Prime Minister Rabin's greatness, in my humble opinion, did not originate in the field of battle, but in his sincere desires to establish peace between Israel and among its Arab neighbors. Mr. Speaker, Americans with Jewish descent should have every reason to be proud and to witness the existence on the 50th anniversary of the modern State of Israel.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in conclusion, I would like to make a few observations con-

cerning this anniversary. I suspect the most important thing we need to congratulate Israel on is that it survived. It survived in an atmosphere and in a climate of unrelenting hostility. We need to congratulate this small land for having remained democratic. We must commend it for having successfully concluded peace agreements with Egypt in 1979 and with Jordan in 1994. We must commend it for having withstood terrorist assaults that continue to this very day.

In calendar 1997, 463 terrorist attacks were launched against Israel, and an additional 100 were foiled. Iraq, during the Persian Gulf War, lobbed ballistic missiles on the largest city in Israel. I was there.

Just earlier this year, Mr. Speaker, Israeli citizens, men, women and children, were queueing up for gas masks when the climate in the Persian Gulf indicated that they might again be subjected to Iraqi attacks. They were buying antidotes for anthrax.

I think it is important to recognize that if this small land of great history and great future is to celebrate its 100th birthday 50 years from now, it and it alone will need to determine its basic perimeters of its own security requirements. We can play a critical role, and must play a critical role, in mediating, lubricating, facilitating. But just as any other nation on the face of this planet, it is only the people of Israel who, in the final analysis, can determine what are the minimum requirements for their own security. It is in that spirit that I ask my colleagues to approve this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from California (Mr. LANTOS) once again for introducing the measure, for his kind words, for his strong, eloquent support of this measure. I want to thank all of the Members who came to the floor and took the time to express their thoughts with regard to this measure. I thank all of those who participated in today's debate.

Mr. RODRIGUEZ. Mr. Speaker, I rise today to express my support for the resolution honoring Israel on the occasion of the fiftieth anniversary of its independence. From ancient prayers to modern dreams, the State of Israel has blossomed into a strong, thriving democracy and a steady ally of the United States. We have witnessed two solutions to the so-called Jewish Problem this century. One was evil and named the Final Solution. Seeking to destroy the Jewish people, the Nazis murdered 6 million Jews and millions of other innocents. The other solution, which we join together to honor today, was one of hope and promise—the return of the Jewish people to their ancestral home in the land of Israel. That dream remains alive.

Israel has overcome the most daunting obstacles in its quest to create a haven from persecution and the world's only Jewish state. After 2,000 years of Jewish wandering and exile, the modern state of Israel was born on

May 14, 1998, only to face the onslaught of its neighbors and constant threat of destruction. Against all odds, Israel defended itself and began to plant the seeds for its future. Following the war of independence, Israel has time and again fought for its very existence. Even today, the threat of war and the promise of terrorism weigh heavily on Israel.

While many of the threats and anti-Israel rhetoric of 50 years ago unfortunately remains the same today, much has changed for the better. Egypt and Jordan have signed peace agreements with Israel, and the Palestinian Arabs and Israel have begun a formal, if not shaky, process toward peace. In the name of peace, Israel has ceded valuable territory to those who vowed its destruction.

Israel has created a thriving economy, a free press, regular free and open elections, the rule of law, and other firmly established democratic institutions. The once-barren hill-sides now are green with trees and the fields again are plowed for the growth of food. Israel has successfully fulfilled the dreams of thousands of immigrants who fled tyranny and poverty and stands as a model for the absorption of the outcast and homeless. High literacy and educational achievement have produced an extraordinarily capable and creative workforce which boasts achievements in agriculture, medical research, emerging technologies and many other fields. Israel stands as a significant trading partner of my home State of Texas.

I salute the people of Israel on this anniversary. May your future be one of peace and security, prosperity, and continued friendship with the people of the United States.

Mr. BONILLA. Mr. Speaker, I rise in support of legislation commemorating Israel's fiftieth anniversary. The rebirth of Israel in this century is a modern day miracle. Jews from every continent have built a new nation, ancient in history, with a vibrant democracy and a modern economy.

Israel represents the rebirth of a nation, a people, and the Hebrew language. The building of a new nation with immigrants from societies as diverse as Russia, Poland, Morocco, Argentina, India, and Ethiopia is a challenge we as Americans recognize and celebrate. The achievements in this regard are truly impressive. Israel has made the desert bloom, has an exemplary education system and a growing economy. It is a world leader in technology and has had an impact far larger than other nations of its size.

Israel's accomplishments are particularly impressive as it has been living under siege for its entire history. Independence was secured in a bloody struggle and freedom has been defended at great cost. The Jewish state has faced great struggles maintaining its independence as the sole democracy in a hostile corner of the world.

America and Israel have been natural friends. Most Americans admire Israel's commitment to democratic government while living under siege. I think all Americans would like to join me in wishing the Israeli people a future of peace and prosperity on this occasion. I am hopeful that the people of Israel will achieve even more once a real peace, not one imposed by outside powers, is reached with their neighbors.

Mr. GEPHARDT. Mr. Speaker, it is with great pleasure that I rise today to join my colleagues in celebrating the occasion of the fiftieth anniversary of the founding of the modern state of Israel.

Created in the aftermath of the Holocaust, the state of Israel has served as a beacon of justice, freedom, and hope to Jewish people around the world. Israel's deep commitment to a pluralistic democracy and a vibrant economic, cultural, and intellectual life has served as a model for many nations. And despite great adversity, Israel has been steadfast in its commitment to achieving peace and security in the region. These values have garnered the admiration and respect of millions around the world.

It is these values that have also fostered the American people's great affinity and mutual respect for the people of Israel, and which have formed the core of the special bond between our two countries. Today the U.S.-Israel relationship remains among the strongest of any bilateral relationship in the world. The strength of this relationship is also a tribute to those U.S. citizens, many of Jewish heritage, who have worked tirelessly over the years to keep our Nation's leaders focused on the importance of this relationship.

The United States and Israel have numerous common and deep interests, and together will continue to lead the international fight against the proliferation of weapons of mass destruction, terrorism, and threats to religious freedom. Above all, we are united in our paramount goals of peace, prosperity, and security for all people of the Middle East.

I am proud to be a co-sponsor of House Joint Resolution 102, which reaffirms the bonds of friendship and cooperation between our two countries on Israel's fiftieth anniversary. On this occasion, I encourage my colleagues to seize this celebration not only as an opportunity to reflect on the achievements of Israel's past, but also to use it as a stimulus to further strengthen the U.S.-Israel partnership.

Fifty years ago, within minutes of Israel's leaders declaring their independence, Harry Truman rejected the advice of staff and took a momentous step in recognizing Israel's sovereignty. From that moment, the United States and Israel have forged perhaps the closest partnership in the international community today. It is in this spirit of friendship and cooperation that I extend my warmest congratulations and best wishes to the state of Israel and her people for a peaceful, prosperous and successful future.

Mr. MANZULLO. Mr. Speaker, I rise today in strong support of House Joint Resolution 102, a resolution expressing the sense of the Congress on the occasion of the 50th anniversary of the founding of the modern state of Israel and reaffirming the bonds of friendship and cooperation between the United States and Israel. I want to thank Mr. LANTOS for introducing such a timely and appropriate resolution and giving me the opportunity to be an original cosponsor. I am proud to support this excellent bill.

House Joint Resolution 102 recognizes the historic significance of this special anniversary, applauds the Israeli people for building a vibrant, modern democracy in the face of physical, economic, and political hostility, reaffirms the deep friendship between our two countries, and warmly congratulates the Israeli people and extends to them all the best for a prosperous, safe and successful future.

Mr. Speaker, the United States and Israel share a special relationship. As our only true democratic friend in the region, Israel deserves America's strong and unyielding support. I applaud the unanimous passage of this

resolution today and extend to the people of Israel my very best wishes.

Ms. DeGETTE. Mr. Speaker, I rise in support of H.J. Res. 102, expressing the sense of the Congress on the occasion of the 50th anniversary of the founding of the modern State of Israel.

I am proud to be a co-sponsor of this important resolution. I look forward to a unanimous vote by the House that will send a strong message of our country's unyielding support to the State of Israel. April 30th will mark the fiftieth anniversary of the birth of the State of Israel. Israel's extraordinary history makes this milestone especially significant. Despite incredible challenges and continuous obstacles, Israel has developed into a prosperous democracy, whose citizens continue to enjoy the unlimited freedoms that Israel was created to protect.

The State of Israel and the well being of her people is one of the foreign policy issues that people in my district care about the most. There are so many in this country who share a common denominator of heritage, history and identity with the people of Israel. For many Jewish-Americans the fate of Israel is something to which they are inextricably linked.

The United States and Israel have a unique relationship due to the fact that Israel is our only democratic ally in that region of the world. There is no better time than right now to reaffirm our commitment to foreign support for Israel. I believe foreign aid to Israel is an important way to support and promote the peace talks. I am concerned that without peace in the Middle East, Israel's second fifty years will be as tumultuous as her first half century.

At Israel's 100th anniversary, I hope we can look back on Israel's second fifty years as a period of peace and prosperity where the challenges that face her today have long faded into history.

Mr. WEYGAND. Mr. Speaker, today I wish to congratulate the State of Israel on her 50th Anniversary. In fifty years, the people of Israel have endured many of the same things that our founding fathers did more than two hundred years ago. They have had to create a government, elect leaders who had come to their state from various countries around the world, and establish laws for their new state. Israel has had to defend her borders from advances first in 1948 to gain her independence within the Middle East, and again in the Six Day War to assert her autonomy. Much like the United States did in the 18th Century, Israel continues to define her character today.

I know in my home state of Rhode Island, many people struggled and worked very hard to realize the dream of a Zionist state. Former Governor Frank Licht got his passion for public service by working with the Rhode Island Zionist Emergency Council. Upon the creation of the new Jewish state, Governor Licht stated:

The proclamation officially creating the new state is a milestone in the history of mankind. The 2000 year old dream of the Jewish people has become a reality. Recognition by the United States will go far, I hope, towards restoring peace in the Holy Land . . . I am confident that the state which the Jewish people set up in their own country will guarantee justice, freedom, and equality for all people regardless of religion, race, sex, or land of origin.

I believe, along with my constituents, that the State of Israel will find a way to ease tensions both internally and externally. Israel has persevered in building and maintaining a democratic state in the face of hostility and terrorism. Perhaps in another fifty years we



will again gather here and commend Israel on solving these problems with her neighbors.

I commend the people of Israel on their successes over the past fifty years, and congratulate them wholeheartedly on this milestone in their history.

Mr. FROST. Mr. Speaker, I rise in support of H.J. Res. 102, Expressing the Sense of Congress on the Occasion of the 50th Anniversary of the Founding of the Modern State of Israel. May 14th will mark the 50th anniversary of its independence. I commend the State of Israel which has rebuilt a nation, forged a new and dynamic society, and created a unique and vital economic, political, cultural and intellectual life. I applaud the relationship held between the United States and Israel. This relationship is one that is based on mutually shared Democratic value, common strategic interests, and moral bonds of friendship and mutual respect. The State of Israel has built a nation in the face of adversity and triumphed in assuming a prosperous democracy in their ancient land. The people of Israel have so much to be proud of, these brave people have battled through a new frontier to create a new and thriving world for their children.

While I am delighted and quite proud of this fantastic milestone, I am also filled with promise and hope that both Israel and the Palestinians will one day come to a peaceful agreement allowing all of the people of the Middle East to grow and prosper towards another landmark anniversary celebration.

Mrs. KENNELLY of Connecticut. I rise as a cosponsor of House Joint Resolution 102 congratulating the State of Israel on its 50th Anniversary and wish to offer my strong support for this resolution.

Since declaring its independence on May 14th, 1948 the State of Israel has fought for its very existence and it has succeeded. In the years that have followed Israel has thrived, it has embraced democracy and has become and remains the most important ally for the United States in the Middle East region.

I want to commend the people of Israel for their perseverance through the difficult times they have faced. They have stood up to terrorism and aggression and have endured. They have built a vibrant democracy, with a unique culture, and a diverse economy. Throughout its existence, Israel has remained focused on its future and on the welfare of its people.

I am pleased to support this resolution which reaffirms the lasting bond of friendship between the United States and Israel which has been so important for both nations. Together we make our democracies stronger and it is together that we can work to ensure that lasting peace for Israel and throughout the Middle East can become a reality.

I want to extend my sincerest congratulations to the modern state of Israel on the occasion of their 50th Anniversary and to urge my colleagues to support this important resolution.

Mr. PALLONE. Mr. Speaker, it is fitting as Israel approaches the fiftieth anniversary of its independence to commemorate this event. It is also fitting to recognize this historic event here in the U.S. Congress. The U.S. has been Israel's friend and supporter from its inception. On a personal level, I have been an ardent supporter of Israel throughout my life. I became more of a staunch supporter after I traveled to Israel in 1989 toward the beginning of my Congressional service.

Once one has seen the many unique features of Israel and its people, one cannot help but be awestruck by this nation's accomplishments in its short 50 years. First, Israel has provided a refuge and homeland to hundreds of thousands of persecuted Jews from the former Soviet Union, Ethiopia, and many other places. In meeting with Israeli leaders and residents, I also was struck by their deep commitment to achieving a lasting peace in the region. This commitment is easily understood as Israeli Remembrance Day approaches: nearly every citizen has lost a relative or friend in the effort to protect and defend the land and its people. Thus, the desire and need to achieve peace for the present and future generations becomes even more evident.

As a Congressman actively involved in environmental issues, I have been particularly impressed with the stewardship Israelis exercise over natural resources. Israelis learn from a young age that every drop of water is precious. But the pioneers worked the land and developed the technologies to make these precious drops of water help grow trees, flowers, and crops, so that the entire nation could not only survive, but flourish—to the point where they now export flowers and produce all over the world.

And, while Israelis still bargain over prices in traditional, Middle Eastern-style market places, they also have developed a light industrial base that employs many people in high technology and computer-related fields. One example of the developmental progress that has occurred can be seen in the telephone systems. When I was last in Israel a decade ago, making a telephone call was difficult. Today, not only are phones accessible and easy to use, but cellular phones, call waiting services, and answering machines are prevalent.

Moreover, Israel's GDP has grown from \$2.5 billion to an astonishing \$90.6 billion in the past three decades. Equally important, if not more so, is the fact that Israel is the only pluralistic democracy in the region. At the same time, Jerusalem, the unique "City of Gold," is the holy site for a number of the world's most important religions. And yet, this nation is smaller than my home state of New Jersey; one can walk across the country (East to West) in one day.

David Ben Gurion was prophetic when, on May 15, 1948, he stated that "[s]omething unique occurred yesterday in Israel, and only future generations will be able to evaluate the full historical significance of the event. It is now up to all of us, acting out a sense of Jewish fraternity, to devote every ounce of our strength to building and defending the State of Israel, which still faces a titanic political and military struggle."

I hope that as we recognize the fiftieth anniversary of its creation, Israel will soon cease to face such struggles. Yitzhak Rabin was deeply committed to securing peace for Israel. For this reason, the "Song for Peace" was being sung at the rally where he last spoke, and the words to this song were found in his shirt pocket at the time of his assassination. I pray that Rabin, and the many that will have fought for peace both before and after him, will not have sacrificed their lives in vain.

In closing, since I have seen the marvels of Israel and its people first-hand, and have been a strong supporter of Israeli and Jewish causes throughout my service in Congress, I am particularly pleased to be a cosponsor of

this joint Congressional resolution that is being brought to the House floor today. The resolution recognizes the historic significance of the fiftieth anniversary of the reestablishment of the State of Israel; commends the Israeli people for their achievements in building a new state and a pluralistic, democratic society in the Middle East; reaffirms the bonds of friendship and cooperation between the United States and Israel; and extends congratulations and best wishes to the State of Israel and her people for a peaceful, prosperous, and successful future.

Mr. FORBES. Mr. Speaker, this May 14th, the modern state of Israel will celebrate its 50th birthday. In the life of an ordinary country, the 50 anniversary is a notable milestone of historical achievement. In the case of Israel, 50 years exemplifies nothing less than an enduring miracle.

The Jewish people, drawn to their country by a sacred relationship and a divine promise, flourished in ancient times. Their history is a seemingly never ending succession of miracles, punctuated by the painful sting of suffering. A poor, enslaved people in the land of Egypt, the Israelites were led by God out of Egypt and into the desert and freedom. It was there in the barren desert that their leader, Moses, went up to Mt. Sinai and came down with the Torah, the word of God. In the midst of their escape and suffering in the barren wilderness, the Jewish people provided the world with the Ten Commandments, the foundation of all western morality.

Back in their own country, the Jewish people ultimately realized the greatness that the Lord had promised. From King David, the poet warrior, to Solomon, the model of wisdom, the Jews gave us heroes that stir our hearts and souls still.

Sadly, though, Jewish suffering was not at its end. In 722 B.C.E. the Assyrians vanquished ten of their twelve tribes and sent the Israelites into exile. Only two small groups remained, fortified only by an undying faith in God and a refusal to surrender to the fate their enemies planned for them. They refused to give up hope. They refused to give up their faith.

In 586 B.C.E., this small remnant was captured. Their temple, built by Solomon, was destroyed. Forced into exile to Babylonia, again the Jewish people thrived. Without a temple, they developed houses of worship—the historical beginning of synagogues. Unable to offer sacrifices, their religious leaders developed prayers as a way to reach the Almighty. Forbidden to publicly worship or have priests, they developed a new way of thinking of religious leaders as teachers. This was how the title rabbi came to be.

Miraculously returning from their exile, the Jewish people rebuilt their Temple in Jerusalem. They wanted nothing more than simply to live under the grace and peace of God.

But then in the year 70 of the Common Era, the Second Temple was destroyed by the Romans. During a final revolt against the Romans, at Masada, the sheared plain that stands in the Judean desert, brave Jews sacrificed their lives rather than endure as slaves. The Romans forced Jews to leave and even re-named the country "Palestine" named after the Phoenicians, the enemies of the Jews. The Jewish people had lost their country and would not recover for nearly two millennia.

By any realistic view of history, the Israelites, few in number, robbed of their



homeland and set apart by the cruelest of persecutions, should have disappeared.

But history is not able to reckon with the Jewish people. Instead of disappearing, the Jews flourished under the Lord's protective eye, developing a vast treasure of religious literature and a way of life that stressed lifelong learning and a striving to lead a moral life.

Through inquisition and torture, through religious coercion and unendurable pain, the Jewish people held firm to their religious foundations. Here, in our own century, occurred the Holocaust, the most monstrous and inhuman evil that mankind has ever inflicted upon itself. Six million Jews, one and half million of them children, were systematically murdered. One-third of the Jewish people in the world died during the Holocaust.

Even during these darkest hours of the Holocaust, when all hope for the Jewish people seemed to have disappeared, when their very future hung on the edge of despair, they persevered. Then came Israel.

The modern vision of a Jewish state, nourished by an historic attachment to the land of Israel, was given expression by the Viennese journalist Theodor Herzl, who organized the First Zionist Congress in 1897. When the Congress was ended, Herzl noted in his diary that the Jewish state would come into being in 50 years. It was exactly 50 years later that Israel was born.

On May 14, 1948, David Ben Gurion announced the birth of the modern Jewish nation. A day later, Arab armies attacked in full force, in an attempt to kill it before it had a chance to be born. After a bitter struggle for its very life, against overwhelming odds and trained armies, Israel prevailed. Their nation would not die. Masada would not fall again. David Ben-Gurion, the first Prime Minister and Menachem Begin, who would later become Prime Minister, both contributed mightily to Israel's birth. The number of heroes in Israel's birth is innumerable.

Over the course of the past 50 years, Israel has had to continually fight for its survival. In both 1956 and 1967, Israel had to defend itself against the attacks of its antagonistic neighbors. The Six Day War of '67 was particularly difficult for Israel. When the war was over, Israel gained control over all of Jerusalem including the Western Wall, the most sacred site in Jewish life because it is the last remaining part of the Second Temple. The Jews had returned to their land and to their holy city. In many ways, they returned to history itself.

Still, wars followed, though some Arab nations have come to see the need for peace. However, to this day, many Arabs have not reconciled themselves to the permanent existence of Israel. Terrorists, rogue nations, and bitter and implacable enemies continue to threaten Israel. Yet at 50, Israel has never been stronger.

Perhaps, especially for the Jews, but finally for all decent people, the very existence of Israel remains a symbol. Israel's historic return as a nation offers hope and reassurance for people the world over who are struggling to realize their own homeland. Israel's refusal to surrender to enduring horrors provides a model of courage for those in need of strength. Israel's commitment to democracy and religious freedom is a wonderful example for those who believe that nations can be both strong and decent.

Israel will always possess a special place in the heart and mind of the United States. Israel is, of course, a vital military ally, paramount in its support of the U.S. in the United Nations, and a dependable military source of information and support. Beyond these prudential reasons, however, Israel means much more to us. Sentinels of democracy, both nations were founded in pursuit of the righteous cause of liberty and human dignity. Citizens of both great nations have sacrificed their own lives in defense of freedom and in battle against tyranny. Neither America nor Israel is willing to accept the exploitation and oppression of innocent people by despotic rulers.

The truth is that Israel is not just another nation; it is part of our family. As one brother to another, we in the United States rejoice as we celebrate Israel's 50th birthday. Let us use this moment to vow to stand forever by Israel's side. Let every enemy of Israel know that the United States stands firmly beside Israel. We will never be silent when Israel is in danger. We will never let Israel's enemies win.

We stand with Israel. We wait in excitement to witness the miraculous achievements that Israel will have in the next 50 years.

Mr. SCHUMER. Mr. Speaker. This week we celebrate the 50th anniversary of the State of Israel, a truly momentous occasion. For Jews in Israel, America, and around the world this is a time of great celebration.

For 50 years, Israel has struggled to survive in a region of hostility, surrounded by neighbors who sought to destroy her. For 50 years, Israel has labored to transform a desert into a land of milk and honey and for 50 years, Israel has become a beacon of democracy, a land of freedom and a homeland for Jews everywhere.

Mr. Speaker, dear colleagues, let us join together in wishing Israel a happy 50th and a hearty "mazel tov."

Mr. GILMAN. Mr. Speaker, I once again ask my colleagues to support this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the joint resolution, H.J. Res. 102.

The question was taken.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### ANNOUNCEMENT OF RETIREMENT OF HON. GERALD B. SOLOMON, CHAIRMAN OF COMMITTEE ON RULES

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise to join with my colleagues, and I know that my friend the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, will want to be recognized, to

say how saddened and surprised we all were, but we certainly respect the decision that was made by the distinguished gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules, yesterday that, after 20 years of service as a Member of the United States Congress, and after a career in public life that expands 31 years, he has chosen to retire at the end of this term.

He, of course, has many more vigorous and active months left as chairman of the Committee on Rules. But I would like to say that, as we think about his stellar service in this institution, it has been a great honor for me to be part of a very important team.

The gentleman from New York (Mr. SOLOMON) has been on the front line of so many battles here in the Congress. He has been very active. He was, as was pointed out in the New York Times today, clearly the most influence member of the New York delegation serving in the Congress, and he was a member of Ronald Reagan's core group of individuals who provided him with a great deal of advice and assistance throughout President Reagan's campaigns and during the time that the President served.

So I am one who will say that I clearly am going to miss my colleague. He clearly always makes his presence known when he is here in the House of Representatives, because he carried that great binder that had his name inscribed on it. So we will be seeing that again before we hope the 105th Congress adjourns sine die the first of October. But I can tell my colleagues, when the 106th Congress convenes, we clearly miss that. He has been a great leader who has stood by principle very, very passionately and diligently.

Mr. Chairman, I yield to the gentleman from New York (Mr. GILMAN), distinguished Chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding, and I thank him for bringing this issue to the floor.

Mr. Speaker, as senior Republican in the New York State congressional delegation, I want to express my shock and my sadness to the surprising announcement that our dear colleague the gentleman from New York (Mr. SOLOMON), a senior member of our New York delegation, has now chosen to leave this body at the end of this congressional session.

I came to know and admire my colleague soon after he came to the Congress in 1978. His experiences as a United States marine, and he reminded us of that service continually, as a town supervisor, as a county legislator, as a member of the New York State Assembly, as well as his experience in the insurance business and real estate business brought to this Chamber the unique combination of experience of balance and of common sense.

I especially appreciate the gentleman from New York championing the cause of our POWs and MIAs in Southeast

Asia. He earned a reputation for his leadership on that issue and many important issues, and I know my colleagues join with me in expressing our appreciation for the judicious manner in which he has chaired the House Committee on Rules for the past 3 years. He has always been the epitome of fairness and expertise.

Congress' loss is a gain for Freda and their five children. We wish the gentleman from New York (Mr. SOLOMON) and his family good health, happiness, and success in years ahead.

Mr. DREIER. Mr. Speaker, I thank my friend for his contribution.

I would like to say that I, too, enjoyed working with the gentleman from New York on that very important issue of POWs and MIAs, and I had the privilege of traveling with the gentleman from New York (Mr. GILMAN) and the gentleman from New York (Mr. SOLOMON) to Southeast Asia as we continue to remain committed to bringing about a full resolution and accounting of all those still classified as missing in action.

Mr. Speaker, I yield to the gentleman from California (Mr. LANTOS), my very dear friend and fellow Californian.

Mr. LANTOS. Mr. Speaker, I want to thank my good friend from California for yielding.

Mr. Speaker, I want to add my words of best wishes and sorrow at our colleague's decision to leave. The gentleman from New York (Mr. SOLOMON) has been one of the most energetic, committed, serious, decent Members of this body. I have had the privilege and pleasure of working with him on a wide range of issues, but two of those stand out in my memory. One, of course, was his determination to get to the bottom of the POW-MIA issue. And the second one, a generic issue, was his passionate commitment to human rights.

As the Democratic chairman of the Human Rights caucus, I never had a more dependable and reliable ally on any human rights issue than the gentleman from the State of New York. He passionately felt the plight and pain of people persecuted or discriminated against anywhere on the face of this planet, and his strong voice for human rights will be sorely missed.

I also want to join the gentleman from New York (Mr. GILMAN) and my friend the gentleman from California (Mr. DREIER) in expressing our best wishes to his very fine wife, who was a full partner and companion in all of his endeavors, and to all of his fine children. And I am sure on our side all of us deeply regret his departure.

Mr. DREIER. Mr. Speaker, I thank my friend for his contribution.

I would simply close this 1-minute, Mr. Speaker, by saying that I, too, extend best wishes to Freda and to all the members of the Solomon family. I had the opportunity to travel with the Solomons right into the district of my colleague, to Lake Placid, New York. I still am carrying the burden of that on my wrist, because he insured that I

would go straight forward down the bobsled run, and I am still trying to recover from that. It took a while for me to have the guts to do it, but with my colleague pushing me on, I had no choice whatsoever but to go straight ahead in pursuing that.

I would say in closing, Mr. Speaker, that we will continue to hear from the gentleman from New York (Mr. SOLOMON). In the next week or so, I will be privileged to distribute to all of our colleagues a book on NATO expansion that he has just authored for the Center for Strategic and International Studies.

So the gentleman from New York is here. He is going to remain very active in this institution for the next several months, but we know that he will be retiring as the 106th Congress approaches. And I know everyone in this institution joins me in extending very best wishes and godspeed to our colleague and his family.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 4 o'clock and 30 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1702

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GIBBONS) at 5 o'clock and 2 minutes p.m.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

House Concurrent Resolution 218, de novo;

Senate Concurrent Resolution 37, de novo; and

House Joint Resolution 102, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

### CONCERNING AFGHANISTAN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 218, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Nebraska (Mr. BE-REUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 218, as amended.

The question was taken.

Mr. GILMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 391, nays 1, not voting 40, as follows:

[Roll No 110]

YEAS—391

Abercrombie	Crapo	Hefley
Ackerman	Cubin	Hefner
Aderholt	Cummings	Herger
Allen	Cunningham	Hill
Andrews	Danner	Hilleary
Archer	Davis (FL)	Hilliard
Armey	Davis (IL)	Hinchey
Bachus	Davis (VA)	Hinojosa
Baker	Deal	Hobson
Baldacci	DeFazio	Hoekstra
Ballenger	DeGette	Holden
Barcia	Delahunt	Hooley
Barrett (NE)	DeLauro	Horn
Barrett (WI)	DeLay	Hostettler
Bartlett	Deutsch	Houghton
Barton	Diaz-Balart	Hoyer
Bass	Dickey	Hulshof
Becerra	Dicks	Hunter
Bentsen	Dingell	Hutchinson
Bereuter	Doggett	Istook
Berman	Dooley	Jackson (IL)
Berry	Doolittle	Jackson-Lee
Bilirakis	Doyle	(TX)
Bishop	Dreier	Jenkins
Blagojevich	Duncan	John
Bliley	Dunn	Johnson (CT)
Blumenauer	Edwards	Johnson (WI)
Boehlert	Ehlers	Johnson, E. B.
Boehner	Ehrlich	Johnson, Sam
Bonilla	Emerson	Jones
Bonior	English	Kanjorski
Bono	Etheridge	Kaptur
Borski	Evans	Kasich
Boswell	Everett	Kelly
Boucher	Ewing	Kennedy (MA)
Boyd	Farr	Kennedy (RI)
Brady	Fattah	Kennelly
Brown (CA)	Fawell	Kildee
Brown (FL)	Fazio	Kilpatrick
Brown (OH)	Filner	Kim
Bryant	Forbes	Kind (WI)
Bunning	Ford	King (NY)
Burr	Fossella	Kingston
Burton	Fowler	Klecza
Buyer	Fox	Klink
Callahan	Frank (MA)	Klug
Calvert	Franks (NJ)	Knollenberg
Camp	Frelinghuysen	Kolbe
Campbell	Frost	Kucinich
Canady	Furse	LaFalce
Cannon	Gallegly	LaHood
Capps	Gekas	Lampson
Cardin	Gephardt	Lantos
Carson	Gibbons	Largent
Castle	Gilchrest	Latham
Chabot	Gillmor	LaTourette
Chambliss	Gilman	Lazio
Chenoweth	Goodlatte	Leach
Clay	Goodling	Lee
Clayton	Gordon	Levin
Clement	Goss	Lewis (CA)
Clyburn	Graham	Lewis (GA)
Coble	Granger	Lewis (KY)
Coburn	Green	Linder
Collins	Gutierrez	Lipinski
Combest	Gutknecht	Livingston
Condit	Hall (OH)	LoBiondo
Conyers	Hall (TX)	Lowey
Cooksey	Hamilton	Lucas
Costello	Hansen	Luther
Cox	Hastert	Maloney (CT)
Coyne	Hastings (FL)	Manton
Cramer	Hastings (WA)	Manzullo
Crane	Hayworth	Markey

Mascara	Peterson (MN)	Smith (TX)
Matsui	Peterson (PA)	Smith, Adam
McCarthy (MO)	Petri	Smith, Linda
McCarthy (NY)	Pickering	Snowbarger
McCollum	Pickett	Snyder
McCrery	Pitts	Solomon
McDade	Pombo	Souder
McDermott	Pomeroy	Spence
McGovern	Porter	Spratt
McHale	Portman	Stabenow
McHugh	Price (NC)	Stark
McInnis	Pryce (OH)	Stearns
McIntosh	Quinn	Stenholm
McIntyre	Radanovich	Stokes
McKeon	Rahall	Strickland
McKinney	Ramstad	Stump
McNulty	Redmond	Stupak
Meehan	Regula	Sununu
Meek (FL)	Reyes	Talent
Menendez	Rivers	Tauscher
Metcalf	Rodriguez	Tauzin
Mica	Roemer	Taylor (MS)
Miller (CA)	Rogan	Thomas
Miller (FL)	Rogers	Thompson
Minge	Ros-Lehtinen	Thornberry
Mink	Rothman	Thune
Moakley	Roukema	Thurman
Mollohan	Roybal-Allard	Tiahrt
Moran (KS)	Royce	Tierney
Moran (VA)	Rush	Torres
Morella	Sabo	Trafficant
Murtha	Salmon	Turner
Myrick	Sanchez	Upton
Nadler	Sanders	Velazquez
Neal	Sanford	Vento
Nethercutt	Sawyer	Visclosky
Neumann	Saxton	Walsh
Ney	Scarborough	Wamp
Northup	Schaefer, Dan	Waters
Norwood	Schaffer, Bob	Watkins
Nussle	Schumer	Watt (NC)
Oberstar	Scott	Watts (OK)
Obey	Sensenbrenner	Waxman
Olver	Sessions	Weldon (PA)
Ortiz	Shadegg	Weller
Owens	Shaw	Wexler
Oxley	Shays	Weygand
Packard	Sherman	Whitfield
Pallone	Shimkus	Wicker
Pappas	Shuster	Wise
Parker	Sisisky	Wolf
Pascrell	Skaggs	Woolsey
Pastor	Skeen	Wynn
Paxon	Skelton	Yates
Payne	Slaughter	Young (AK)
Pease	Smith (MI)	Young (FL)
Pelosi	Smith (NJ)	

## NAYS—1

Paul

## NOT VOTING—40

Baesler	Gonzalez	Rangel
Barr	Goode	Riggs
Bateman	Greenwood	Riley
Bilbray	Harman	Rohrabacher
Blunt	Hyde	Ryun
Christensen	Inglis	Sandlin
Cook	Jefferson	Serrano
Dixon	Lofgren	Smith (OR)
Engel	Maloney (NY)	Tanner
Ensign	Martinez	Taylor (NC)
Eshoo	Meeks (NY)	Towns
Foley	Millender	Weldon (FL)
Ganske	McDonald	White
Gejdenson	Poshard	

□ 1725

Mr. RUSH changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. RILEY. Mr. Speaker, I was unavoidably detained for the vote on House Concurrent Resolution 218, a sense of Congress Regard-

ing Afghanistan (Roll No. 110). Had I been present, I would have voted "aye".

## PERSONAL EXPLANATION

Mr. MEEKS of New York. Mr. Speaker, on rollcall vote number 110 I was unavoidably detained. Had I been present, I would have voted aye.

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to the provisions of clause 5, rule 1, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

SENSE OF CONGRESS REGARDING  
LITTLE LEAGUE BASEBALL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate concurrent resolution, S. Con. Res. 37.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 37.

The question was taken.

## RECORDED VOTE

Mr. HUTCHINSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 398, noes 0, not voting 34, as follows:

[Roll No. 111]

## AYES—398

Abercrombie	Borski	Collins
Ackerman	Boswell	Combust
Aderholt	Boucher	Condit
Allen	Boyd	Conyers
Andrews	Brady	Cooksey
Archer	Brown (CA)	Costello
Armey	Brown (FL)	Cox
Bachus	Brown (OH)	Coyne
Baker	Bryant	Cramer
Baldacci	Bunning	Crane
Ballenger	Burr	Crapo
Barcia	Burton	Cubin
Barrett (NE)	Buyer	Cummings
Barrett (WI)	Callahan	Cunningham
Bartlett	Calvert	Danner
Barton	Camp	Davis (FL)
Bass	Campbell	Davis (IL)
Becerra	Canady	Davis (VA)
Bentsen	Cannon	Deal
Bereuter	Capps	DeFazio
Berman	Cardin	DeGette
Berry	Carson	Delahunt
Bilirakis	Castle	DeLauro
Bishop	Chabot	DeLay
Blagojevich	Chambliss	Deutsch
Bliley	Chenoweth	Diaz-Balart
Blumenauer	Clay	Dickey
Boehert	Clayton	Dicks
Boehner	Clement	Dingell
Bonilla	Clyburn	Doggett
Bonior	Coble	Dooley
Bono	Coburn	Doolittle
Doyle		
Dreier		
Duncan		
Dunn		
Edwards		
Ehlers		
Ehrlich		
Emerson		
English		
Etheridge		
Evans		
Everett		
Ewing		
Farr		
Fattah		
Fawell		
Fazio		
Filner		
Forbes		
Ford		
Fossella		
Fowler		
Fox		
Frank (MA)		
Franks (NJ)		
Frelinghuysen		
Frost		
Furse		
Galleghy		
Ganske		
Gephardt		
Gibbons		
Gilchrest		
Gillmor		
Gilman		
Goode		
Goodlatte		
Goodling		
Gordon		
Goss		
Graham		
Granger		
Green		
Greenwood		
Gutierrez		
Gutknecht		
Hall (OH)		
Hall (TX)		
Hamilton		
Hansen		
Hastert		
Hastings (FL)		
Hastings (WA)		
Hayworth		
Hefley		
Hefner		
Herger		
Hill		
Hilleary		
Hilliard		
Hinchey		
Hinojosa		
Hobson		
Hoekstra		
Holden		
Hooley		
Horn		
Hostettler		
Houghton		
Hoyer		
Hulshof		
Hunter		
Hutchinson		
Istook		
Jackson (IL)		
Jackson-Lee		
(TX)		
Jenkins		
John		
Johnson (CT)		
Johnson (WI)		
Johnson, E. B.		
Johnson, Sam		
Jones		
Kanjorski		
Kaptur		
Kasich		
Kelly		
Kennedy (MA)		
Kennedy (RI)		
Kennelly		
Kildee		
Kilpatrick		
Kim		
Kind (WI)		
King (NY)		
Kingston		
Klecza		
Klink		
Klug		
Knollenberg		
Kolbe		
Kucinich		
LaFalce		
LaHood		
Lampson		
Lantos		
Largent		
Latham		
LaTourette		
Lazio		
Leach		
Lee		
Levin		
Lewis (CA)		
Lewis (GA)		
Lewis (KY)		
Linder		
Lipinski		
Livingston		
LoBiondo		
Lowey		
Lucas		
Luther		
Maloney (CT)		
Manton		
Manzullo		
Markey		
Mascara		
Matsui		
McCarthy (MO)		
McCarthy (NY)		
McCollum		
McCrery		
McDade		
McDermott		
McGovern		
McHale		
McHugh		
McInnis		
McIntosh		
McIntyre		
McKeon		
McKinney		
McNulty		
Meehan		
Meek (FL)		
Meeks (NY)		
Menendez		
Metcalf		
Mica		
Miller (CA)		
Miller (FL)		
Minge		
Mink		
Moakley		
Mollohan		
Moran (KS)		
Moran (VA)		
Morella		
Murtha		
Myrick		
Nadler		
Neal		
Nethercutt		
Neumann		
Ney		
Northup		
Norwood		
Nussle		
Oberstar		
Obey		
Olver		
Ortiz		
Owens		
Oxley		
Packard		
Pallone		
Pappas		
Parker		
Pascrell		
Pastor		
Paul		
Paxon		
Payne		
Pease		
Pelosi		
Peterson (MN)		
Peterson (PA)		
Petri		
Pickering		
Pickett		
Pitts		
Pombo		
Pomeroy		
Porter		
Portman		
Price (NC)		
Pryce (OH)		
Quinn		
Radanovich		
Rahall		
Rahall		
Ramstad		
Redmond		
Regula		
Reyes		
Riley		
Rivers		
Rodriguez		
Rothman		
Rothman		
Roukema		
Royce		
Rush		
Sabo		
Salmon		
Sanchez		
Sanders		
Sanford		
Sawyer		
Saxton		
Scarborough		
Schaefer, Dan		
Schaffer, Bob		
Schumer		
Scott		
Sensenbrenner		
Sessions		
Shadegg		
Shaw		
Shays		
Sherman		
Shimkus		
Shuster		
Sisisky		
Skaggs		
Skeen		
Skelton		
Slaughter		
Smith (MI)		
Smith (NJ)		
Smith (TX)		
Smith, Adam		
Smith, Linda		
Snowbarger		
Snyder		
Solomon		
Souder		
Spence		
Spratt		
Stabenow		
Stark		
Stearns		
Stenholm		
Stokes		
Strickland		
Stump		
Stupak		
Sununu		
Talent		
Tauscher		
Tauzin		
Taylor (MS)		
Thomas		
Thompson		
Thornberry		
Thune		
Thurman		
Tiahrt		
Tierney		
Torres		
Trafficant		
Turner		
Upton		
Velazquez		
Vento		
Visclosky		
Walsh		
Wamp		
Waters		
Watkins		
Watt (NC)		
Watts (OK)		
Waxman		
Weldon (FL)		
Weldon (PA)		
Weller		
Wexler		
Weygand		
Whitfield		
Wicker		
Wise		

Wolf  
Woolsey

Wynn  
Yates

Young (AK)  
Young (FL)

## NOT VOTING—34

Baesler  
Barr  
Bateman  
Bilbray  
Blunt  
Christensen  
Cook  
Dixon  
Engel  
Ensign  
Eshoo  
Foley

Gejdenson  
Gekas  
Gonzalez  
Harman  
Hyde  
Ingilis  
Jefferson  
Lofgren  
Maloney (NY)  
Martinez  
Millender-  
McDonald

Poshard  
Rangel  
Riggs  
Ryun  
Sandlin  
Serrano  
Smith (OR)  
Tanner  
Taylor (NC)  
Towns  
White

□ 1736

The SPEAKER pro tempore (Mr. GIBBONS). So (two-thirds having voted in favor thereof) the rules were suspended, and the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1745

## PERSONAL EXPLANATION

Ms. LOFGREN. Mr. Speaker, United flight 52 was late from the West Coast; and I was, therefore, unavoidably absent on rollcalls 110 and 111. Had I been present, I would have voted aye.

## PERSONAL EXPLANATION

Ms. ESHOO. Mr. Speaker, I, too, was on flight 52 from San Francisco to D.C., which landed late, unfortunately; and on rollcalls 110 and 111 I would have voted aye.

## PERSONAL EXPLANATION

Ms. HARMAN. Mr. Speaker, on rollcalls 110 and 111 I, too, was delayed; and I would have voted aye.

## SENSE OF CONGRESS ON 50TH ANNIVERSARY OF FOUNDING OF THE MODERN STATE OF ISRAEL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, H.J. Res. 102.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the joint resolution, H.J. Res. 102, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were— yeas 402, nays 0, not voting 30, as follows:

[Roll No. 112]

YEAS—402

Abercrombie  
Ackerman  
Aderholt  
Allen  
Andrews  
Archer

Armey  
Bachus  
Baker  
Baldacci  
Ballenger  
Barcia

Barrett (NE)  
Barrett (WI)  
Bartlett  
Barton  
Bass  
Becerra

Bentsen  
Bereuter  
Berman  
Berry  
Bilirakis  
Bishop  
Blagojevich  
Bliley  
Blumenauer  
Boehler  
Boehner  
Bonilla  
Bonior  
Bono  
Borski  
Boswell  
Boucher  
Boyd  
Brady  
Brown (CA)  
Brown (FL)  
Brown (OH)  
Bryant  
Bunning  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Campbell  
Canady  
Cannon  
Capps  
Cardin  
Carson  
Castle  
Chabot  
Chambliss  
Chenoweth  
Clay  
Clayton  
Clement  
Clyburn  
Coble  
Coburn  
Collins  
Combest  
Condit  
Conyers  
Cooksey  
Costello  
Cox  
Coyne  
Cramer  
Crane  
Crapo  
Cubin  
Cummings  
Cunningham  
Danner  
Davis (FL)  
Davis (IL)  
Davis (VA)  
Deal  
DeFazio  
DeGette  
Delahunt  
DeLauro  
DeLay  
Deutsch  
Diaz-Balart  
Dickey  
Dicks  
Dingell  
Doggett  
Dooley  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
English  
Ensign  
Eshoo  
Etheridge  
Evans  
Everett  
Ewing  
Farr  
Fattah  
Fawell  
Fazio  
Filner  
Forbes

Ford  
Fossella  
Fowler  
Fox  
Frank (MA)  
Franks (NJ)  
Frelinghuysen  
Frost  
Furse  
Gallegly  
Ganske  
Gekas  
Gephardt  
Gibbons  
Gilchrist  
Gillmor  
Gilman  
Goode  
Goodlatte  
Goodling  
Gordon  
Goss  
Graham  
Granger  
Green  
Greenwood  
Gutierrez  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hamilton  
Hansen  
Harman  
Hastert  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Hefley  
Hefner  
Herger  
Hill  
Hilleary  
Hilliard  
Hinchey  
Hinojosa  
Hobson  
Hoekstra  
Holden  
Hooley  
Horn  
Hostettler  
Houghton  
Hoyer  
Hulshof  
Hunter  
Hutchinson  
Istook  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
John  
Johnson (CT)  
Johnson (WI)  
Johnson, E.B.  
Johnson, Sam  
Jones  
Kanjorski  
Kaptur  
Kasich  
Kelly  
Kennedy (MA)  
Kennedy (RI)  
Kennelly  
Kildee  
Kilpatrick  
Kim  
Kind (WI)  
King (NY)  
Kingston  
Kleczka  
Klink  
Klug  
Knollenberg  
Kolbe  
Kucinich  
LaFalce  
LaHood  
Lampson  
Lantos  
Largent  
Latham  
LaTourette  
Lazio  
Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)

Lewis (KY)  
Linder  
Lipinski  
Livingston  
LoBiondo  
Lofgren  
Lowey  
Lucas  
Luther  
Maloney (CT)  
Manton  
Manzullo  
Markey  
Mascara  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McDade  
McDermott  
McGovern  
McHale  
McHugh  
McInnis  
McIntosh  
McIntyre  
McKeon  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Metcalfe  
Mica  
Miller (CA)  
Miller (FL)  
Minge  
Mink  
Moakley  
Mollohan  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Nadler  
Neal  
Nethercutt  
Neumann  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Oxley  
Packard  
Pallone  
Pappas  
Parker  
Pascarell  
Pastor  
Paul  
Paxon  
Payne  
Pease  
Pelosi  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pickett  
Pitts  
Pombo  
Pomeroy  
Porter  
Portman  
Price (NC)  
Pryce (OH)  
Quinn  
Rahall  
Ramstad  
Redmond  
Regula  
Reyes  
Riley  
Rivers  
Rodriguez  
Roemer  
Rogan  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Rothman

Roukema  
Roybal-Allard  
Royce  
Rush  
Sabo  
Salmon  
Sanchez  
Sanders  
Sanford  
Sawyer  
Saxton  
Scarborough  
Schaefer, Dan  
Schaffer, Bob  
Schumer  
Scott  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherman  
Shimkus  
Shuster  
Sisisky  
Skaggs  
Skeen  
Skelton  
Slaughter  
Smith (MI)

Smith (NJ)  
Smith (TX)  
Smith, Adam  
Smith, Linda  
Snowbarger  
Snyder  
Solomon  
Souder  
Spence  
Spratt  
Stabenow  
Stark  
Stearns  
Stenholm  
Stokes  
Strickland  
Stump  
Stupak  
Sununu  
Talent  
Tanner  
Tauscher  
Tauzin  
Taylor (MS)  
Thomas  
Thompson  
Thornberry  
Thune  
Thurman  
Tiahrt

Tierney  
Torres  
Traficant  
Turner  
Upton  
Velazquez  
Vento  
Visclosky  
Walsh  
Wamp  
Waters  
Watkins  
Watt (NC)  
Watts (OK)  
Waxman  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Weygand  
Whitfield  
Wicks  
Wise  
Wolf  
Wynn  
Yates  
Young (AK)  
Young (FL)

## NOT VOTING—30

Baesler  
Barr  
Bateman  
Bilbray  
Blunt  
Christensen  
Cook  
Dixon  
Engel  
Foley  
Gejdenson

Gonzalez  
Hyde  
Ingilis  
Jefferson  
Maloney (NY)  
Martinez  
Millender-  
McDonald  
Poshard  
Radanovich  
Rangel

Riggs  
Ryun  
Sandlin  
Serrano  
Smith (OR)  
Taylor (NC)  
Towns  
White  
Woolsey

□ 1746

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. ENGEL. Mr. Speaker, I was necessarily absent during roll call votes 110, 111, and 112 because my flight from New York was delayed. If present, I would have voted 'aye' on roll call 110, 'aye' on roll call 111, and 'aye' on roll call 112.

## PERSONAL EXPLANATION

Mr. TAYLOR of North Carolina. Mr. Speaker, due to transportation difficulties beyond my control, I was not present for the votes on H. Con. Res. 218, S. Con. Res. 37, and H.J. Res. 102.

Had I been present, I would have voted aye on H. Con. Res. 218 concerning the need to establish a cease fire in Afghanistan and begin the transition toward a broad based multi-ethnic government that observes international norms of behavior.

I would have also voted aye on S. Con. Res. 37 expressing the sense of the Congress that Little League Baseball Incorporated was established to support and develop little league baseball worldwide and that its international character and activities should be recognized.

Finally, I would have voted aye on H.J. Res. 102 expressing the sense of the Congress on the occasion of the 50th Anniversary of the founding of the modern state of Israel.

## PERSONAL EXPLANATION

Ms. MILLENDER-McDONALD. Mr. Speaker, during roll call vote 110, 111, and 112, which is H. Con. Res. 218, S. Con. Res. 37, and H.J. Res. 102, I was unavoidably detained because my flight has just gotten in. Had I been present, I would have voted "yes."

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GIBBONS). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## EXCHANGE OF SPECIAL ORDER TIME

Mr. PAUL. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from North Carolina (Mr. JONES).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## THE BUBBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the big question is how history will play the current financial situation if all the great wealth accumulated in the last 10 years dissipates in a financial collapse.

According to an article in *The New Republic*, Greenspan is not only held in high esteem on Wall Street, he is seen as Godlike. One trader is quoted as saying, "When things go well, I hold Greenspan's picture between my hands and say, thank you. When things go poorly, I also take the photo in my hands and pray." And he is not alone on Wall Street in heaping praise on Greenspan. This comes as close to idolatry as one can get.

Alan Greenspan took over the Fed a few months before the stock market crash of October, 1997. In the 10 years that Greenspan has headed the Fed, \$2 trillion of new credit has been created as measured by M3. Banks threatened by bankruptcy in the early 1990s received generous assistance from the Fed policy of low interest rates and rapid credit expansion as a response to the recession of 1991. Fed fund rates were held at 3 percent for well over a year. This generous dose of Fed credit has fueled the 5-year superboom on Wall Street.

We are endlessly told no inflation exists. But inflation is strictly and always a monetary phenomenon and not something that can be measured by a government consumer or producer price index.

Even so, there currently is significant price inflation for the fancy homes throughout the country, espe-

cially in the New York and Connecticut areas influenced by the New York financial center. CEO compensation is astronomically high, while wages for the common man have been held in check. The cost of all entertainment is not cheap and rises constantly. Art prices are soaring, as is the price of tickets to athletic events. Buying stocks with a 1.8 percent dividend yield is not cheap. These prices are inflated. The cost of education, medicine, and general services are expensive and rising.

In spite of Government reports showing food prices are not rising, many constituents I talk to tell me food prices are always going up. It seems every family has difficulty compensating for the high cost of living and taxes are always inflating.

There is no doubt that many Americans know the salaries of the CEOs, athletes and entertainers are astronomically high. The wages of the average working man, though, has not kept up. Workers feel poorer and resentment grows.

Even with all of Wall Street's euphoria, Main Street still harbors deep concern for their financial condition and the future of the country. Many families continue to find it difficult to pay their bills, and personal bankruptcies are at a record high at 1,400,000 per year. Downsizing of our large corporations continue as many manufacturing jobs are sent overseas.

This current financial bubble started in mid-1982. At that time, the money supply, as measured by M3, was \$2.4 trillion. Today it is over \$5.5 trillion. That is a lot of inflation, and money supply growth is currently accelerating.

Although the money supply has been significantly increased in the past 16 years and financial prices as well as other prices have gone up, Government officials continue to try to reassure the American people that there is no inflation to worry about because price increases, as measured by the Government's CPI and PPI, are not significantly rising.

Stock prices, though, are greatly inflated. If we had an average valuation of the Dow Jones Industrials for the past 87 years, as measured by the PE ratios, the Dow would be a mere 4,100 today, not over 9,000. And the Dow would be much lower yet if we took the average price-to-dividend ratio or the price-to-book ratio.

The NASDAQ is now selling at 85 times earning. There is no doubt that most stock prices are grossly inflated and probably represent the greatest financial bubble known in history.

A lot of foreign money has been used to buy our stocks, one of the consequences of computer-age financial technology and innovations. Our negative trade balance allows foreign governments to accumulate large amounts of our treasury debt. This serves to dampen the bad effect of our monetary inflation on domestic prices, while pro-

viding reserves for foreign central banks to further expand their own credit.

Think of this: Money can be borrowed in Japan at Depression-era rates of 1 percent and then reinvested here in the United States either in more treasury debt earning 5 or 6 percent, or reinvested in our stock market, which is currently climbing at a 20 percent annualized rate. This sounds like a perfect deal for today's speculators, but there is nothing that guarantees this process will continue for much longer. Perfect situations never last forever.

Some of the euphoria that adds to the financial bubble on Wall Street and internationally is based on optimistic comments made by our government officials. Political leaders remind us time and again that our budget is balanced and the concern now is how to spend the excess. Nothing could be further from the truth, because all the money that is being used to offset the deficit comes from our trust funds.

In other words, it's comparable to a corporation stealing from its pension fund in order to show a better bottom line in its day-to-day operations. Government spending and deficits are not being brought under control. Tax rates are at historic highs, and all government taxation now consumes 50 percent of the gross national income.

It is now commonly believed that the East Asian financial crisis is having no impact on our economy. But it's too early to make that kind of an assessment. Our president remains popular, according to the polls, but what will it be like if there's any sign of economic weakness? There could then be a lot of "piling on" and finger pointing.

## PROBLEMS AND VICTIMS

The basic cause of any financial bubble is the artificial creation of credit by a central bank (in this case our Federal Reserve). Artificially creating credit causes the currency to depreciate in value over time. It is important to understand the predictable economic problems that result from a depreciating currency:

1. In the early stages it is difficult to forecast exactly who will suffer and when.

2. Inflated currency and artificially low interest rates result in mal-investment that produces over capacity in one area or another.

3. Wealth generally transfers from the hands of the middle-class into the hands of the very wealthy. (The very poor receiving welfare gain a degree of protection, short of a total destruction of the currency.)

4. Prices indeed do go up, although which prices will go up is unpredictable, and the CPI and PPI can never be a dependable measurement of a monetary policy driven by loose credit.

5. The group that suffers the very most is the low-middle-income group (those willing to stay off welfare, yet unable to benefit from any transfer of wealth as stagnant wages fail to protect them from the ravages of the rising cost of living).

There are probably several reasons why this current economic boom has lasted longer than most others. The elimination of the Soviet threat has allowed a feeling of optimism not felt in many decades, and there has subsequently been tremendous optimism placed on potential economic development of many world markets in this age of relative peace.

There is also very poor understanding regarding economic interventionism, the system

most nations of the world accept today. Today's interventionism is not close to a free market. The great Austrian economist Ludwig von Mises consistently pointed out that interventionism always leads to a form of socialism, which then eliminates the apparent benefits of interventionism.

A good example of how interventionism leads to the destruction of a market can be seen in the recent tobacco fiasco. First, the tobacco industry accepted subsidies and protectionism to build a powerful and wealthy industry. Then, having conceded this "nanny" role to the government, Big Tobacco had no defense when it was held liable for illnesses that befell some of the willing users of tobacco products. Now, the current plan of super taxation on tobacco users will allow the politicians to bail out the individual farmers who may be injured by reduced use of tobacco products (destruction of the market). This half-trillion-dollar tax proposal hardly solves the problem.

Just as in the 1920's today's productivity has fooled some economists by keeping prices down on certain items. Certainly computer prices are down because the price of computer-power has dropped drastically, yet this should not be interpreted as an "absence" of inflation. Innovation has kept prices down in the computer industry, but it fails to do so when government becomes overly involved as it has in other technological areas, such as medical technology, where prices have gone up for services such as MRIs and CAT scans, not down.

#### LEARN FROM JAPAN

The most important thing to remember is that perceptions and economic conditions here can change rapidly, just as they did last summer in the East Asian countries with the bursting of their financial bubble. They are now in deep recession.

Even though Japan first recognized signs of difficulty nine years ago, their problems linger because they have not allowed the liquidation of debt, or the elimination of over capacity, or the adjustment for real estate prices that would occur if the market were permitted to operate free of government intervention. The U.S. did the same thing in the 1930s, and I suspect we will do exactly what Japan is doing once our problems become more pressing. With our own problems from the inflation of the last 15 years now becoming apparent, their only answer so far is to inflate even more.

In its effort to re-energize the economy, the Bank of Japan is increasing its reserves at a 51 percent rate. This may be the greatest effort to "inflate" and economy back to health in all of history. Japan has inflated over the years and will not permit a full correction of their mal-investment. The Bank of Japan is doing everything possible to inflate again, but even with interest rates below 1 percent there are few takers.

OECD measurements, the M1 and quasi-money have been increasing at greater than 20 percent per year in East Asia. In the United States, M3 has been increasing at 10 percent a year. It is estimated that this year the U.S. will have a \$250 billion current account deficit—continued evidence of our ability to export our inflation.

We are now the world's greatest debtor, with an approximately \$1 trillion debt to foreign nations. Although accumulation of our debt by foreign holders has leveled off, it has not

dropped significantly. The peak occurred in mid-1997—today these holding are slightly lower.

#### THE CRUELEST TAX OF ALL

This process of deliberately depreciating a currency over time (inflation) causes a loss in purchasing power and is especially harmful to those individuals who save. AIER (American Institute for Economic Research) calculates that 100 million households since 1945 have lost \$11.2 trillion in purchasing power. This comes out to \$112,000 per household, or put another way, over 5 decades each one of these households lost \$2,200 every year.

Although many households are feeling very wealthy today because their stock portfolios are more valuable, this can change rather rapidly in a crash. The big question is what does the future hold for the purchasing power of the dollar over the next 10 or 20 years?

#### THE END IN SIGHT?

Reassurance that all is well is a strategy found at the end of a boom cycle. Government revenues are higher than anticipated, and many are feeling richer than they are. The more inflated the stock market is as a consequence of credit creation, the less, reliable these markets are at predicting future economic events. Stock markets can be good predictors of the future, but the more speculative they become, the less likely it is the markets will reveal what the world will be like next year.

The business cycle—the boom-bust cycle of history—has not been repealed. The psychological element of trust in the money, politicians, and central bankers can permit financial bubbles to last longer, but policies can vary as well as perceptions, both being unpredictable.

#### CENTRAL BANKERS

The goal of central bankers has always been to gain "benefit" from the inflation they create, while preventing deflation and prolonging the boom as long as possible—a formidable task indeed. The more sophisticated and successful the central bankers are as technicians, the larger the bubble they create.

In recent years, central bankers have had greater "success" for several reasons. First, due to the age in which we live, internationalizing labor costs has been a great deal more convenient. It is much easier for companies to either shift labor from one country to another, or for the company itself to go to the area of the world that provides the cheapest labor. This has occurred with increased rapidity and ease over the past two decades.

Central bankers have also become more sophisticated in the balancing act between inflation and deflation. They are great technicians and are quite capable of interpreting events and striking a balance between these two horrors. This does not cancel out the basic flaw of a fiat currency; central bankers cannot replace the marketplace for determining interest rates and the proper amount of credit the economy needs.

Central bankers have also had the advantage of technological changes that increase productivity and also serve to keep down certain prices. It is true that we live in an information age, an age in which travel is done with ease and communication improvements are astounding. All of these events allow for a bigger bubble and a higher standards of living. Unfortunately this will not prove to be as sustainable as many hope.

#### THE PRICE OF GOLD

Another reason for the central bankers greater recent success is that they have been quite willing to cooperate with each other in propping up selected currency values and driving down others. They have cooperated vigorously in dumping or threatening to dump gold in order to keep the dollar price of gold in check. They are all very much aware that a soaring gold price would be a vote of no confidence for central-bank policy.

Washington goes along because it is furiously, but definitely, acknowledged there that a free-market, high gold price would send a bad signal worldwide about the world financial system. Therefore, every effort is made to keep the price of gold low for as long as possible. It's true the supply-siders have some interest in gold, but they are not talking about a gold standard, merely a price rule that encourages central-bank fixing of the price of gold. Most defenders of the free-enterprise system in Washington are Keynesians at heart and will not challenge interventionism on principle.

Instead of making sure that policy is correct, central bankers are much more interested in seeing that the gold-price message reflects confidence in the paper money. Thus gold has remained in the doldrums despite significant rising prices for silver, platinum, and palladium. However, be assured that even central banks cannot "fix" the price of gold forever. They tried this in the 1960's with the dumping of hundreds of millions of ounces of American gold in order to artificially prop up the dollar by keeping the gold price at \$35/oz., but in August 1971 this effort was abandoned.

#### THE SOLUTION

The solution to all of this is not complex. But no effort is going to be made to correct the problems that have allowed our financial bubble to develop, because Alan Greenspan has been practically declared a god by more than one Wall Street guru. Because Alan Greenspan himself understands Austrian free-market economics and the gold standard, it is stunning to see him participate in the bubble when he, deep down inside, knows big problems lurk around the corner. Without the motivation to do something, not much is likely to happen to our monetary system in the near future.

It must be understood that politicians and the pressure of the special interests in Washington demand that the current policies of spending, deficits, artificially low interest rates and easy credit will not change. It took the complete demise of the Soviet-Communist system before change came there. But be forewarned: change came with a big economic bang not a whimper. Fortunately that event occurred without an armed revolution . . . so far. The amazingly sudden, economic events occurring in East Asia could still lead to some serious social and military disturbances in that region.

The key element to the financial system under which we are now living is the dollar. If confidence is lost in the dollar and a subsequent free-market price for gold develops, the whole financial system is threatened. Next year, with the European currency unit (ECU) coming on line, there could be some serious adjustments for the dollar. The success of the ECU is unpredictable, but now that they are indicating some gold will be held in reserve, it is possible that this currency will get off the ground.



## NATIONALISM

However, I continue to have serious reservations regarding the ECU's long-term success, believing that the renewed nationalism within Europe will not permit the monetary unification of countries that have generally not trusted each other over the centuries. In Germany, 70 percent of the people oppose entering into this new monetary agreement. If economic problems worsen in Europe—currently the unemployment rate in Germany and France is 12 percent—the European union may well get blamed.

The issue of nationalism is something that cannot be ignored. Immediately after the collapse in East Asia, Malaysia began shipping out hundreds of immigrants from Indonesia as a reaction to their economic problems. Resentment in Germany, France, and England is growing toward workers from other countries.

The same sentiment exists here in the United States, but it's not quiet as bad at this particular time because our economy is doing better. But in the midst of a deep recession, the scapegoats will be found and alien workers will always be a target.

The greatest danger in a collapsing financial bubble is that the economic disruptions that follow might lead to political turmoil. Once serious economic problems develop, willingness to sacrifice political liberty is more likely, and the need for a more militant government is too often accepted by the majority.

No one has firmly assessed the Y2K problem, but it cannot bode well if a financial crisis comes near that time. Certainly a giant company like Citicorp and Travelers, who have recently merged, could really be hurt if the Y2K problem is real. Since the markets seem to be discounting this, I have yet to make up my own mind on how serious this problem is going to be.

## WASHINGTON MENTALITY

Every politician I know in Washington is awestruck by Greenspan. The article in *The New Republic* reflects the way many Members of Congress feel about the "success" of Greenspan over the last ten years. Add to this the fact that there is no significant understanding of the Austrian business cycle in Washington, and the likelihood of adopting a solution to the pending crisis, based on such an understanding, is remote.

Liberals are heedless of the significance of monetary policy and its ill effects on the poor. They have no idea that the transfer of wealth from the poor to the rich occurs as a result of monetary policy and serves to hurt the very people they claim to represent. Liberals stick to the old cliché that all that's needed are more welfare benefits. They are, I'm sure, influenced by the fact that if more welfare benefits are handed out, they can count on the Federal Reserve to accommodate them. Unfortunately this will continue to motivate them to argue for a loose monetary policy.

The debate so often seems only to be who should get the expanded credit, the business-banking community or the welfare recipients who will receive it indirectly through the monetization of an ever-expanding government deficit. In Washington there is a craving for power and influence, and this motivates some a lot more than their public display of concern for helping the poor.

Whether it's Japan that tries to inflate their currency to get out of an economic problem, or the East Asian countries facing their crisis,

or our willingness to bail out the IMF, resorting to monetary inflation is the only option being considered. We can rest assured that inflation is here to stay.

With daily pronouncements that inflation is dead, the stage is set for unlimited credit expansion whenever it becomes necessary. Just as deficit spending and massive budgets will continue, we can expect the falling value of the dollar, long term, to further undermine the economic and political stability of this country and the world.

Until we accept the free market principle that governments cannot create money out of thin air and that money must represent something of real value, we can anticipate a lot more confiscation of wealth through inflation.

## INTRODUCTION OF THE INTERNATIONAL TOBACCO RESPONSIBILITY ACT OF 1998

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, today I am introducing the International Tobacco Responsibility Act of 1998, a bill to adopt a truly responsible policy on nicotine addiction.

With the recent forced disclosure of documents, we have learned, in the words of the tobacco companies themselves, the treachery they have engaged in in targeting America's children. Less well-known is the activity they have had around the world to addict the children of other countries.

Since 1990, while Philip Morris sales have risen by a little less than 5 percent here in the United States, they have grown by more than 80 percent abroad. Only last Thursday RJR Nabisco posted some bad news: They had about an 11 percent drop in their tobacco earnings. But the news was not all bleak. As the *New York Times* reported, the analysts said that the company's tobacco sales grew impressively in some areas like Romania, where they more than doubled. The analysts noted there was extremely good volume in market share growth in Eastern Europe and Russia.

The big tobacco companies that disavowed the settlement now, originally, when they entered that settlement, they knew they could pay any penalties they owed for what they did to our children by going and addicting children in someone else's backyard. I think that is wrong. If America is to be called a world leader, it must also lead in the battle to save the lives of young people around this planet.

Last year, this Congress took some constructive action when it adopted an amendment that I authored to an appropriations bill to stop the American taxpayer from having to be an unwilling accomplice in promoting the activities of these tobacco companies abroad by involving improperly, I think, and now it is against the law, the Trade Representative's office and our various consulates around the world.

□ 1800

Now we need to address this problem in a much more comprehensive way. And that is what this legislation does, recognizing that every year tobacco-related diseases kill 3 million people in this world, and if the trends continue, it is estimated that in the next 25 years we will be up to a level of 10 million deaths a year as a result of tobacco.

This legislation that I have introduced for myself and for a number of our colleagues in a bipartisan effort addresses five major areas. First, we seek to establish a worldwide code of conduct for U.S. tobacco companies. We basically are saying, do not market tobacco to children anywhere, and alert consumers to the dangers of your product everywhere. The Marlboro man has hardly vanished. He has just taken a trip around the world to a school or a youth-oriented magazine in someone else's country.

Last August, at the very time these high-paid, high-powered tobacco lobbyists were trooping around the Capitol asking us to endorse the settlement, one of these tobacco companies provided all-expense-paid vacations to Miami Beach for Latin-American reporters so that they could hear company representatives announce that restrictions on smoking and advertising were scientifically unsound. That is the kind of hypocrisy that we are dealing with. Two decades ago, the United States set a higher ethical standard with regard to bribery. We can do the same thing with regard to tobacco.

The second part of this bill is to strengthen last year's prohibition on our Government promoting tobacco abroad.

The third is to recognize that public health advocates around the world lack the resources to combat the very seductive practices perfected in addicting our children of these United States tobacco companies. And so it sets aside some revenues from any settlement to help establish an American Center on Global Health and Tobacco and to help fund efforts through the Department of Health and Human Services to discourage tobacco use worldwide.

A fourth issue is to address the matter of cigarette smuggling which is already going on and actually helps some of these companies open up new markets.

And finally, we encourage the involvement of the United States in an International Framework Convention on Tobacco Control. This convention would be similar to the international campaign to ban land mines, because we have a real mine here threatening the future of the children of this world. For our Government to allow companies to pay their debts at home by hooking children abroad to nicotine addiction and pushing them down the path to cancer, heart disease and emphysema would be an unprecedented act of hypocrisy.

After so much talk about a global tobacco settlement, it is time to pass

truly global legislation that will establish a responsible United States policy for addressing our country's long complicity in the export of death and disease.

#### EXCHANGE OF SPECIAL ORDER TIME

Mr. JONES. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. PAUL).

The SPEAKER pro tempore (Mr. DEAL). Is there objection to the request of the gentleman from North Carolina? There was no objection.

#### NATIONAL DEFENSE AND STATE OF U.S. MILITARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I rise tonight to talk about national defense and the state of our military. It is a very important subject that does not seem to have received adequate attention lately.

In fact, the President this year devoted only one sentence in his entire State of the Union Address to the need to maintain a ready and modern force. Additionally, the President's 1999 budget proposes more than \$100 billion in new domestic spending, but it fails to provide one dime in increased defense spending.

The administration's budget request for defense in 1999, therefore, represents the 14th consecutive year of real decline in defense spending. I personally do not believe this is the right policy for our Nation, and I know from talking to citizens in eastern North Carolina that they do not think so either.

My constituents, like so many people throughout America, realize that having a strong national defense has played a critical role in the history of our country and that now is no time to have a weakened military. Maintaining a ready and modern force is like insurance for our Nation. None of us would want to drive our cars without having car insurance in the event of an accident, but we seem to be denied that same protection to our national safety and freedom.

There is clear evidence that we no longer have the military to fight in two regions at the same time. Considering the real likelihood of this situation, I think it is past time that we take a serious look at protection we are denying ourselves. Once diminished, our forces cannot rebuild quickly, and they are, unfortunately, already 32 percent smaller than they were just 10 years ago.

We have such fine men and women in our military today, but they are constantly faced with budget cuts and shortages despite so many base closings. Our pilots are not receiving the flying time they need to be thoroughly

prepared, and many are leaving the military at an alarming rate. All too often our troops do not have adequate equipment, and their morale is suffering.

I, for one, find this situation unacceptable. So many of our fellow countrymen have fought and sacrificed and even died so that we may have the freedoms we enjoy today. Yet we are, in effect, taking their bravery and sacrifices for granted by failing to adequately protect the safety and freedom they fought for.

The President has deployed over 25 times our forces during his tenure at a monetary cost that exceeds \$13 billion, and yet he continues to cut their budget.

The 1999 defense budget request, when measured in constant dollars, represents the smallest defense budget since the beginning of the Korean War in 1950. I hope that, as we proceed with this year's appropriation process, my colleagues in this Congress would join me in the fight to stop this reckless depletion of our military.

In the name of freedom, let us once again provide our Armed Forces with the resources they need to fulfill their mission of protecting this Nation.

Mr. Speaker, may God bless America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

(Mr. UNDERWOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### SAVING SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, there has been a lot of talk recently about what we are going to do to save Social Security. I would report to my colleagues this evening, Mr. Speaker, that today the Social Security trustees presented their new analysis of when Social Security is going broke; in other words, when there is going to be less money coming in from tax revenues than is required to pay current benefits.

That projection indicated that we have maybe a year, maybe 2 years' additional time before less is coming in than is needed to pay benefits. I think today is a day that we should all remind ourselves of the real problem of Social Security.

The estimate continues that the unfunded liability or the actuarial debt of Social Security is over \$3 trillion. In other words, we would have to take \$3 trillion today and put it in some kind of an investment fund to keep Social Security going for the next 75 years.

The problem that we are running into, Mr. Speaker, is the demographics of Social Security. Social Security is a

pay-as-you-go program where existing workers pay in their taxes, and immediately those taxes are sent out to existing beneficiaries. Because of that and because demographics have changed in the last several years, there are fewer and fewer workers paying in taxes to support an increasing number of retirees.

Let me give my colleagues some examples of that changing demographics. In 1942 there were about 40 people working, paying in their Social Security tax for each retiree. By 1950 it got down to 17 workers working, paying in their Social Security tax for each retiree. Guess what it is today? Today, there are three people working, paying in their Social Security tax for each retiree. And the estimate is that by 2027 we will be down to two workers.

What has happened is there has been a decline in the birth rate after the so-called baby boomers. Then additionally, there has been an increase in the longevity or the length of time people are expected to live.

When we started Social Security in 1935, the average life span was 62 years old. So, therefore, since the retirement age was 65, that meant most people never lived long enough to collect anything from Social Security. Today the average life span at birth is 74 years old for a male and 76 years old for a female, but if one is I will use the word "fortunate" enough to reach retirement age 65, on the average, he or she will live another 20 years.

So what do we do about this pay-as-you-go system? How do we change it? The estimates are that there is going to be less money coming in as taxes than is needed for benefits as early as 2007 to 2013. Sometime in that time period, there is going to be less money coming in than is required to pay out benefits. The longer we delay in solving and coming up with a solution for Social Security, the more drastic that solution has to be.

I have the only bill that has been introduced in the United States House of Representatives that has been scored to keep Social Security solvent for the next hundred years. That is House bill H.R. 3082. But I also put in a companion bill a couple months ago, that is H.R. 3560, that says—in addition to keeping Social Security solvent for the young people and allowing them to own a private retirement investment account that bears money that if they die before age of retirement goes into their estate—this proposal says, "let us start using some of the surplus money that is coming into the Federal Government."

And we now expect the surplus this year, as we now define "surplus", to be upwards of \$40- to \$50 billion. So I say, let us start using some of that money to set up private investment retirement savings accounts for people that pay a FICA tax, for people that are working.

Let us not put off this problem simply but let us take advantage of today's current positive economy, with more jobs and higher pay in many cases, to create a Social Security program that preserves benefits for current retirees, and makes sure that future retirees have even more savings when they retire.

Mr. Speaker, let us do put Social Security first.

#### EXCHANGE OF SPECIAL ORDER TIME

Ms. CARSON. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Guam (Mr. UNDERWOOD).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

#### TRIBUTE TO MARY FENDRICH HULMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, I rise today to pay tribute to a unique and great American. Mary Hulman was Chair of the board of directors of the Indianapolis Motor Speedway when she died 2 weeks ago at the age of 93.

Most Americans would not recognize her, but they heard Mary Hulman's voice many times over the years at the Indianapolis 500 when she commanded the drivers "Gentlemen, start your engines." That may have been her highest-profile activity, but Mary Hulman was much more.

She was well-known for her generous philanthropic public service, even though she contributed with little fanfare. She was a major benefactor and board member of several organizations, including Rose-Hulman Institute of Technology, Saint Mary-of-the-Woods College, the Indianapolis Museum of Art and Swope Art Museum in Terre Haute. Ms. Hulman was steadfast in her devotion to her Catholic faith and her support for Catholic charities.

The Indianapolis Star said in an editorial that Mary Hulman always exemplified Jesus' teaching in the gospel of Matthew that giving should be done away from the blare of trumpets and the sight of men. She never sought recognition for her charity work and always looked for ways that she could do more.

□ 1815

Mary Hulman was born into a wealthy family but she never acted as though wealth was her birthright. She knew that much is expected from those who have received much. Over the years, Mary Hulman gave away much of her fortune. Her gifts included \$3.5 million to the Indianapolis Museum of Art and \$2 million to Indiana State University for a student union complex.

Her daughter's love of horses led Mary Hulman to give \$629,000 to endow the Mari Hulman George School of Equine studies at St. Mary-in-the-Woods College. She also donated \$500,000 needed to repair the college's science building.

Mary Hulman served on the development board of Wabash College and was active in the Public Health Nursing Association of Terre Haute. She also served on many agencies for the benefit of St. Anthony's Hospital in Terre Haute.

She was the granddaughter of Hermann Fendrich, a German immigrant and the founder of the LaFendrich Cigar Company. Her father took over the company and operated it until his death.

In 1926, Mary married Tony Hulman and lived in Terre Haute, where Tony was a well-known and prosperous businessman. Tony Hulman was the owner of the speedway for many years. Together he and Mary worked to keep the Indianapolis 500 the world's premier event in motor racing.

Legendary racer A.J. Foyt said that the new generation of racers will never know the struggles and hardship of Tony and Mary Hulman that they endured to make the speedway an international success. The Hulmans had taken Foyt in and given him food and a place to stay when he was a young man down on his luck. Mary was known for her kindness to new racers coming up through the ranks.

Mary Hulman thought her husband had bought a pig in a poke when in 1945 he acquired the speedway. But later she said, "I was wrong." Last year Mary Hulman was inducted into the Speedway Hall of Fame.

St. Francis of Assisi said, "When there is charity and wisdom, there is neither fear nor ignorance." Mary Hulman spent her life dispelling fear and ignorance through her support of education and charity to the less fortunate. Mary Hulman set an example for Americans in selflessness and sacrifice. The world is truly a better place for her 93 years of life.

Mr. Speaker, I include the following editorial from the Indianapolis Star on the life of Mary Hulman.

[From the Indianapolis Star, Apr. 14, 1998]

#### A GENTLE LADY

Matthew's Gospel counsels that charitable giving be done in quiet, away from the blare of trumpets and the sight of men: "... let not thy left hand know what thy right hand doeth."

That advice characterized the generosity and spirit of Mary Fendrich Hulman, who committed her life to worthwhile causes yet managed to escape the spotlight that surround one of Indiana's richest and most prominent families.

The widow of longtime Speedway owner Tony Hulman died Friday at age 93. A Mass of Christian Burial will be at 12:05 p.m. today in St. Benedict Catholic Church, Terre Haute.

Although she shied away from publicity, Mrs. Hulman couldn't avoid the annual minute of global fame that accompanied the start of the Indy 500 when she issued the leg-

endary command, "Gentlemen, start your engines." It was a duty she assumed after her husband's death in 1977 and continued to take seriously even after her health began to fail a few years back.

Married to a millionaire businessman, Mrs. Hulman had philanthropic resources in her own right as the granddaughter of Hermann Fendrich, a German immigrant who founded LaFendrich Cigar Co. A patron of the arts, Mrs. Hulman was a trustee of the Indianapolis Museum of Art and a member of the board of overseers of Terre Haute's Swope Art Museum.

Her financial contributions to museum, church and higher education institutions were innumerable. Her faith and love of the Catholic Church were unmistakable.

"Always gracious and unassuming, she quietly provided assistance for the museum's ongoing programs and for projects she knew would benefit the community and the state," noted Richard Wood, chairman of the board of governors of the Indianapolis Museum of Art.

Mrs. Hulman was an important figure in the racing world and remembered for her hospitality to drivers and their families. In 1997, she was inducted into the Speedway Hall of Fame along with two-time Indy winner Gordon Johncock.

But her role in this community far exceeded just being the wife of a very famous man. Her commitment to community leaves a legacy that rivals the motorsports legacy left by her late husband.

#### WARNINGS OF A FAILED DECENNIAL CENSUS

The SPEAKER pro tempore (Mr. DEAL of Georgia). Under a previous order of the House, the gentleman from Florida (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, yesterday the Los Angeles Times ran a story about a census in California. But the story had nothing to do with the Census 2000 dress rehearsal going on now in Sacramento. It concerned a census conducted by the Los Angeles County Department of Public Works, a census that counts bats. That is right, bats. On May 17, a team of biologists and a couple of dozen volunteers will try to count every bat living underneath three wooden bridges in Topanga Canyon in California. Let me quote from the article:

Census takers, who range in age from 7 to 70, will each be assigned a section of a bridge. With a Tally Wacker in hand, a clicker used to count quickly with the thumb, they will attempt to count the bats as they emerge from their roosts at dusk. Participants will "have to be in place, sitting very quietly before dusk, so they don't disturb the bats," says biologist Rosi Dagit. Dagit says bats are very sensitive to noise and won't fly if they suspect they are being watched by humans.

The article concludes: "Census takers will have to be fast."

Mr. Speaker, as chairman of the Subcommittee on the Census, I am tempted here to start making jokes about the batty census the Clinton Administration wants to conduct in the year 2000 using statistical sampling, but I will refrain. I will just say that if we can put that much effort into actually counting bats, I think it is a good

lighthearted example to show that let us just count all Americans when we do the census in the year 2000.

Mr. Speaker, let me talk about a more serious subject, and that is the continued stonewalling by the Clinton Administration regarding the 2000 census. The latest example is the Census Monitoring Board. Last year Congress and the Administration agreed to appoint a new oversight board. The agreement was for four congressional appointments and four White House appointments.

Speaker GINGRICH and Majority Leader LOTT made their appointments in February. But the board members have not been able to hire staff and start oversight because the White House took its own sweet time in making appointments. In fact, I had to send a letter on Friday to get the White House to finally follow through with the appointments last night. I would like to submit my letter for the RECORD.

The text of the letter is as follows:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON GOVERNMENT REFORM  
AND OVERSIGHT,

*Washington, DC, April 24, 1998.*

Hon. WILLIAM J. CLINTON,  
*President of the United States, The White  
House, Washington, DC.*

DEAR MR. PRESIDENT: I am writing to express my extreme disappointment with the apparent lack of serious interest your Administration is displaying towards the oversight of the 2000 Census.

You are required pursuant to §210 of Public Law 105-119, the Departments of Commerce, Justice, and State Appropriations Act of 1998, to appoint four members to the Census Monitoring Board to observe and monitor all aspects of the preparation and implementation of the 2000 decennial census. These appointments were due to be made within 60 days of the enactment of P.L. 105-119, which you signed into law on November 26, 1997.

On April 6, 1998, The White House Office of the Press Secretary released a two-page document which stated: "The President today appointed Tony Coehlo, Dr. Everett M. Ehrlich, Gilbert F. Casellas, and Lorraine Green as members of the U.S. Census Monitoring Board." I have attached a copy of this announcement for your reference. The news of the appointment of these individuals was subsequently widely reported by a substantial number of news organizations.

Several times after this April 6th announcement, including as recently as today, my staff and counsels have reported to me that in numerous telephone conversations, both the Office of the Executive Clerk and the Office of Presidential Personnel have denied to them that you have officially appointed either these or any other individuals to the Census Monitoring Board. Congressional Census Monitoring Board Co-Chairman J. Kenneth Blackwell has also been told that no appointments have been made, frustrating his efforts to convene a meeting of the Board to begin their work. These statements are in direct contradiction to your earlier announcement.

You can understand my frustration at this startling turn of events. It is completely irresponsible for the Administration to further delay the first meeting of the Board, since you are undoubtedly aware that the Board must first meet and approve its ground rules before oversight activities can begin and professional staff can be hired. Thus, every day

you delay in making your appointments, you effectively stonewall independent oversight and review of the 2000 census.

The mixed and conflicting messages from your Administration on the Board appointments create the appearance of an attempt to delay or prevent oversight of the controversial Census 2000 plan. The Commerce Department Inspector General and the General Accounting Office have repeatedly warned us that the decennial census is at high risk for failure. The critical Census Dress Rehearsal began on April 18th, yet the Board is unable to perform any oversight until your appointments have been made. I would hope you agree with me that without this intensive oversight by the Board, the American people cannot have confidence that the demonstrations of the Bureau's complicated and complex statistical methodologies have been done in an open and fair environment.

The American people deserve a census that is honest and reliable. This latest episode increases the risk of a failed census in 2000, one which will cost taxpayers billions and produce worthless results. I strongly urge you to immediately rectify this situation by confirming your appointments to the Census Monitoring Board and allowing them to get on with the very serious work that await them.

Sincerely,

DAN MILLER,

*Chairman, Subcommittee on the Census.*

P.S. I strongly urge you to also move quickly to nominate a new Director of the Census Bureau.

After receiving the letter we heard last night that the President finally made his appointments.

Mr. Speaker, I should not have to send letters to the White House to get the President to comply with the law. The mere fact that the letter had to be sent reflects poorly on the White House. The fact that the dress rehearsal has already started before the President made his appointments reflects poorly on the White House. Reports that the co-chairman, Tony Coehlo, is planning on leaving the country before the board has a chance to meet reflects poorly on the White House.

Fairly or unfairly, the cavalier attitude from the Clinton Administration creates the appearance of an attempt to delay or prevent oversight of the controversial 2000 census plan. The Commerce Department's Inspector General and the General Accounting Office have repeatedly warned us that the decennial census is at a high risk for failure.

The critical census dress rehearsals began on April 18, yet the board has been unable to perform any oversight. Without this intensive oversight by the board, the American people cannot be confident that the demonstrations of the Bureau's complicated and complex statistical methodologies have been done in an open and fair environment.

Now we have strong signals that the stonewalling will continue. My friend and respected colleague from New York, the ranking member of the subcommittee, is suggesting hiring practices for the oversight board. Despite the fact that the law says that, "the board may appoint and fix the pay of

such additional personnel as the executive director for each of the two parts of the group considers appropriate," there is now a suggestion that both sides have to approve the hiring of each other's persons. That is just outrageous. I do not tell the minority what staff to hire and they do not tell the majority what staff to hire. To propose that is just outrageous.

Unfortunately, the helpful suggestions of the minority do not stop there. They go on to demand that employees of the board be forbidden to do any work unless both sides approve, that the expenditure of any funds by the board be forbidden unless both sides approve, crippling their ability to do even simple things like traveling and cutting monthly paychecks. And, most shockingly of all, they demand that board members and employees forfeit their constitutional right to free speech while in the employment of the board.

Mr. Coehlo certainly does not need the advice of congressional Democrats on how to stonewall oversight, so my Democratic colleagues should not be concerned with trying to interfere with the oversight board's activities and dictate their rules.

Once again this strikes me more as an attempt to delay oversight. Rather than getting down to serious oversight, the Democrats now want to fight about hiring a staff and play games with the rules. That of course will take time, time that we do not have because the White House took so long to appoint its board members. I understand the game that is being played, and frankly it is sad.

The American people deserve a census that is honest and reliable. This ongoing saga of the delay at the oversight board increases the risk of a failed census in 2000, a census which will cost taxpayers billions and produce worthless results. I strongly urge the President to take the warnings of a failed census seriously and direct his administration to start cooperating and listening to Congress.

#### IN SUPPORT OF RESOLUTION ON OCCASION OF 50TH ANNIVERSARY OF FOUNDING OF MODERN STATE OF ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of House Joint Resolution 102, expressing the sense of Congress on the occasion of the 50th anniversary of the founding of the modern state of Israel and reaffirming the bonds of friendship and cooperation between the United States and Israel.

I would like to particularly acknowledge the Jewish community in Houston and thank them for giving to Houston and Houston school children the wonderful Holocaust Museum located in

Houston, TX which has provided so many with an opportunity to understand the life and legacy of so many of our Jewish community and as well the history of Israel.

I would also like to acknowledge special friends like the late Jerry Ribnik, someone who has lived his life in fostering good relations, human relations and communication between those of the Jewish community and the larger community, and particularly for his support of Israel.

Likewise, I would like to add my appreciation and support for Vic Samuels, the editor of the Jewish Herald Voice, a paper that for many years has given to Houston the value of its insight and understanding of the issues dealing with Israel and the issues in general of the Jewish community.

I would also like to thank the late Karen Susman, who worked so very hard with the Anti-Defamation League. Many were able to see the light through Karen's eyes; we thank her. With her recent passing, I wanted her family and friends to know how much her contributions impacted all of us and helped to foster relationships between the Jewish community and the larger community.

Then I would also like to commend Melvin and Freda Dow whose combined leadership of AIPAC did so much in adding to the national recognition of the friendship between Israel and the United States.

It is important as well to recognize the many community associations and organizations like Houston's local chapter of the American Jewish Federation, the local chapter of the Anti-Defamation League and, as I mentioned earlier, the Jewish Herald Voice newspaper. All have contributed to fostering greater understanding and friendship in Houston and added to our appreciation of the importance of Israel to our Nation and yes, to our city, the City of Houston.

A milestone in world history was reached on November 29, 1947, when the United Nations General Assembly voted to assist in the creation of the state of Israel. The people of the United States began a long history with the modern state of Israel on May 14, 1948 when the people of Israel proclaimed the establishment of the sovereign and independent state of Israel and the United States Government established full diplomatic relations with Israel. This relationship has been fostered by a mutual appreciation for democratic values, common strategic interests and moral bonds of friendship and mutual respect.

The establishment of a modern state of Israel as a homeland for the Jews followed the murder of more than 6 million European Jews during the Holocaust. This tragic chapter in world history will never be forgotten, and the establishment of a modern state of Israel in no way relieves those responsible for that terrible crime.

This jubilee year for the state of Israel is one that the United States and

the world can join in to celebrate together. The people of Israel have established a vibrant and functioning pluralistic democratic political system including freedom of speech, a free press, free and open elections, the rule of law, and other important democratic principles and practices.

I would like to offer my thanks and appreciation to the people of Israel for their efforts in maintaining a democratic government and the strengthening of the relationship with the United States as each Nation moves toward the dawn of a new century. I wish all of Israel and its people a prosperous future, and I believe that the next 50 years will be as successful as the last. Best wishes to all of you on the 50th anniversary of the modern state of Israel.

#### IN HONOR OF TOM ARCHER AND LARRY WALSH, VOLUNTEER FIREFIGHTERS FELLED IN THE LINE OF DUTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LATHAM) is recognized for 5 minutes.

Mr. LATHAM. Mr. Speaker, I rise today to honor two fallen heroes from Albert City, Iowa. Tom Archer and Larry Walsh, both volunteer firefighters with the Albert City Fire Department, were taken from us in the line of duty on April 9. They were fighting a propane tank fire when an unexpected and horrific explosion claimed their lives. The explosion also injured six other firefighters and a deputy sheriff.

Both of these men were true heroes in every sense of the word. Between them they had served for nearly 30 years as volunteer firefighters to protect the lives and the property of their neighbors, their families and their communities.

Larry Walsh and Tom Archer volunteered because they cared. They volunteered because they cared enough to risk their lives whenever called upon. They volunteered because they cared enough to interrupt their jobs, their meals and their precious time with their families. They volunteered because they cared about protecting the property, the safety and the lives of their neighbors in times of need, a need that could have arisen at any time in the day or night or any day of the year.

Tom Archer and Larry Walsh were two of the Nation's finest volunteer firefighters, a group of men and women who inspire so many by the brave actions they take in and for their communities.

□ 1830

Volunteer firefighters are uniquely small town and rural American. They provide a quality protection that their communities would never be able to afford without their dedication.

This evening, I am asking that all Americans take a moment to remem-

ber Tom Archer, his wife Kelly, and their 2 children, Cody and Tanner, and to remember Larry Walsh, his wife Valerie, their four children, Angela, Lindsey, Jason and Shannon, in our prayers. May we remember Tom Archer and Larry Walsh in our hearts as fathers, husbands and two of America's greatest heroes. May they rest in peace in God's hands.

Mr. Speaker, I yield to the Chairman of the Congressional Fire and EMS Caucus, the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my colleague for yielding; and I just want to join him and thank him for his eloquent statement on behalf of these two brave Americans and to extend my deepest sympathies to their families along with the gentleman from Iowa.

Let me state, Mr. Speaker, each year, unfortunately, we have a hundred incidents of this type across this Nation, where there is no other volunteer occupation in America where, each year, 100 brave Americans lose their lives and they are torn from their families as we have with the American volunteer fire service. It is another example of where we have people selflessly providing support to protect our families and our neighborhoods, and it is all the more reason why in this terrible tragedy in Iowa we should recommit ourselves as an institution to try to lessen the amount of loss of life that we have not in just these brave Americans but from those people they are trying to save.

I join with my friend and colleague, and I would reiterate that on Thursday, Mr. Speaker, we will be joined by some 2,000 of these leaders from across the country to talk about the kind of needs that would better prepare men like Tom and Larry to deal with these terrible disasters that they face every day in their communities.

Right outside of the House Chambers will be a massive display of support for the men and women of the American Fire Service, both paid and volunteers, asking this Congress and this administration to finally listen, to provide not just training but resources, communications equipment, support for preplanning that does not exist now so that we do not keep having to come down to the well to pay tribute to brave Americans like Tom Archer and Larry Walsh.

Let me say in closing, Mr. Speaker, as we in this country look for heroes we do not have to look to Hollywood, and we do not have to look to our athletic figures. We do not have to look to our politicians. We can look to those men and women across this country, 1.2 million of them in 32,000 organizations and departments just like the one that Tom and Larry belonged to who, day in and day out, protect America. And they do not do it for the pay. They do not do it for the recognition. They do it because it is the right thing to do for their community and for their country.

I join with my friend, and I thank him for his tireless efforts on behalf of

the American Fire Service and in paying tribute to these two great Americans.

Mr. LATHAM. Mr. Speaker, I thank the gentleman very much for his excellent statement.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### TRIBUTE TO DENNIS YARBOROUGH, KIRTLAND, OHIO'S CHIEF OF POLICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 5 minutes.

Mr. LATOURETTE. Mr. Speaker, before I had the pleasure of serving as a Member of Congress, I was a prosecuting attorney in Ohio. And while I prosecuted thousands of cases and saw many defendants in court, there was one in 1990 that was notorious; and the facts of the case do not matter; and the defendants, who are all in prison, really do not matter. But what does matter is that that case, because of its notoriety, gave me the things that those of us in public life need to be successful: name recognition, approval ratings. But, more than that, it gave me a friend for life, Chief Dennis Yarborough of the Kirtland Police Department.

Chief Yarborough served in the special forces posted at the White House. He was a highway patrolman in Pennsylvania, and he served as a deputy sheriff before coming home to his beloved Kirtland, where he served as chief of police for 19 years.

Kirtland, Ohio, is a beautiful town. It is a city of faith, it is a city of trees, many churches. It is the home, and those of the Mormon faith will know Joseph Smith stopped in his travels in Kirtland, Ohio, and built the Kirtland Temple. It is a city of good people, and it is a place that Dennis very much loved.

The last case in this series of cases, because of the pretrial publicity, was transferred hundreds of miles from our home; and Dennis and I lived for weeks at a time in 1990 out of our suitcases. And although it prepared me for this life, I have to say that I do not enjoy living out of a suitcase any more today than I did then.

But we did have the chance, when we had dinner at the end of the day or when we had breakfast before going to the courthouse in the morning, to talk; and, just like here, it is good to not talk always about legislation and things political. It was good not to talk about the case all the time.

Dennis' conversation always focused on three things. It focused on the community, Kirtland, where he grew up, a city that he loved, a place that he very much wanted to serve and protect; and it was obvious today at his funeral, Mr.

Speaker, that the City of Kirtland loved him. As we left the driveway of the church, men, women and children lined the street and waved goodbye to their beloved chief. Store merchants put signs on their marquees thanking him for his 19 years of service and saying goodbye.

He talked about his children, Jim and Marcy, and how proud that he was to have been able to participate in the raising of such fine, fine Americans and how he was glad that if he had done nothing else on Earth he was able to provide two young people with a good start in life so that they could be proud Americans as well.

And, lastly, he talked about his wife Gail, his wife Gail whom he had been with since they were 12 years old. As a matter of fact, in our hotel in Toledo the chief had never been away from his wife for an extended period of time, and he could not sleep. So he would get up in the middle of the night, and he would walk the halls of the hotel, and that is how he passed his time.

Today, not only Kirtland, Ohio, but the United States and certainly the area that I represent lost a great man. On Thursday last, while jogging, another one of his passions, he collapsed and died of a heart attack.

Tonight, Mr. Speaker, Dennis Yarborough, Chief Dennis Yarborough of the Kirtland Police Department, I believe is in God's arms. And I also pray this evening that the good Lord watches over his family, Gail and James and Marcy; and I know that this country, my district, Kirtland, Ohio, is better for the fact that Dennis Yarborough came their way.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Ms. DELAURO) is recognized for 5 minutes.

(Ms. DELAURO addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### MEETING THE NEEDS OF OUR MILITARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, this week we begin the annual process of marking up our defense bills. These are the largest bills that we enact in this Congress each year and, perhaps, I would argue, the most important.

Unfortunately, we are facing an impossible situation. The only major area of Federal spending where this administration has actually cut has been in the area of national security. All other Federal agencies have either remained stagnant or they have received slight increases. In fact, this is the twelfth consecutive year of defense cuts. Some would say, well, we are still spending more money on the military, but the facts all prove otherwise.

In John Kennedy's era, a time of relative peace after Korea and before Vietnam, we were spending 52 cents of every Federal tax dollar on the military. This year, we are spending 15 cents on the military. In John Kennedy's era, we spent 9 percent of our country's gross national product on defense. This year, it is 2.9 percent.

And back in John Kennedy's era, Mr. Speaker, we had a draft where young people were taken out of high school and they were forced to serve the country and then they served for 2 years and left the service of the Nation. Today, we have an all-volunteer force, well-paid, families, children, education costs, housing costs. So quality of life is a much larger portion of that smaller amount of money that we spend on defense. Our job is to try to meet the needs of our military in a very difficult budget environment.

Now added to this problem of decreasing defense assets is the fact that, over the past 6 years under this President, we have had our troops deployed 25 times around the world at home and abroad. Now that compares to 10 deployments in the previous 40 years. Twenty-five deployments in 6 years versus 10 deployments in the previous 40 years. And the problem, Mr. Speaker, is none of these 25 deployments were budgeted for, none of these 25 deployments were paid for.

So in spite of the dramatically declining defense budgets, we have added up an additional \$15 billion that was not planned for that had to come out of defense programs. So we have had an additional cut of \$15 billion below the authorized budget amount.

The problem, Mr. Speaker, is, in the case of Bosnia, we are spending \$9.42 billion on the Bosnian operation. It is not that we do not think we have a role for the U.S. in Bosnia, but what is being said in this body and the other body is, why should America go it alone? Why did we put 36,000 troops in Bosnia when the Germans right next door only put 4,000 troops in that theater? Why are we always asked to foot the bill for these deployments that are so important for regional and global security?

After all, President Bush in Desert Storm got the allied nations to reimburse the U.S. \$53 billion for the costs of Desert Storm which were \$52 billion. Under this administration, we have had no reimbursements; and the \$15 billion of contingency costs have all come out of an already strapped defense budget.

I raise this issue, Mr. Speaker, because we are in for tough times as we approach the 21st century. We cannot continue to meet the needs of our troops under the type of robust commitments that this President has made for the men and women of America's military. We need to understand the sacrifice, and we need to understand that we need to stop the continuing drain of defense dollars that are so necessary to provide the support for these brave men and women.



We also must fund the emerging threats that we see arising. Missile capabilities around the world are coming up. Iran, Iraq are now developing medium-range missiles that North Korea already has.

Tomorrow, Mr. Speaker, I would ask our colleagues to join us on the Rayburn Triangle where we will unveil one of the Army's newest programs called THAAD, along with a Scud missile, a 40-foot-long missile that was used by Saddam 7 years ago to kill 28 young Americans in Saudi Arabia. This new Army system that we are desperately trying to fund in this difficult budget environment is designed to meet that threat in the 21st century.

I urge our colleagues to join the Army and the Ballistic Missile Defense Organization in seeing firsthand the kind of technology that we are trying to produce in this very difficult budget environment.

#### A NEW NATIONAL GOAL: ADVANCEMENT OF GLOBAL HEALTH

The SPEAKER pro tempore (Mr. DEAL of Massachusetts). Under the Speaker's announced policy of January 7, 1997, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 60 minutes as the designee of the majority leader.

#### GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the subject of this particular special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, this special order is centered around our effort to double the appropriations, to double the funding, as it were, of the National Institutes of Health over the next 5 years.

I have for a long time appreciated the special efforts made by our scientists, researchers across the country, as have all Members of Congress as we see new, spectacular advances made in research and development of technologies, new ways to cure age-old diseases, those that have scourged the earth for all these years, and new ways of treating people who have reached older age, how to treat infant deaths and the scourge of handicaps that are across the land.

All these research methods and scientific methodologies have blossomed over the last several years to such an extent that we feel confident that to redouble, using those words advisedly, the effort on the part of our entire society will benefit that society in a million different ways.

Pursuant to that, back in November of last year I introduced H.R. 2889. Now this bill would have created and still is extent and could create, if passed, a national commission for the new national goal, that goal being the advancement of global health.

Mr. Speaker, the 20th century saw a goal for the United States thrust upon it.

□ 1845

Our country was designated the role in this entire global conflict that we witnessed during the 20th century of preserving democracy, of repelling total totalitarianism in all of its forms, and advancing the cause of democracy throughout the world. We did that in responding to World War I, and we did magnificently for the sake of preserving Europe; in World War II to preserve the world on every side of the planet, as it were. Since then, in all of the skirmishes and battles and conflicts that have occurred, including Korea and Vietnam and Desert Shield, Desert Storm later, Panama, Grenada, one names it, Bosnia today, the 20th century saw the United States emerge as the saviour of democracy and the proponent, the chief proponent, of democracy. So we met our goal to repel totalitarianism and to preserve democracy.

Now, what should be the goal of the next century, of the 21st century? My legislation calls for the establishment of a commission to determine that the goal for our country should be to eradicate disease from the face of the earth.

Now, this is a great humanitarian goal implicit in the language that I just used, to eradicate disease from the face of the earth, but it also carries with it an enlightened self-interest for our country. Since our country leads the world in pharmaceuticals and research, in development of technologies and biomedical advancements, in biotechnical concepts, in all of the science that is required to hone in on the eradication of disease, not only will we be steadily moving towards the goal of preventing and eradicating disease, but at the same time we will fashion a new leadership, economic worldwide leadership, for our country in producing the wherewithal by which to eradicate those diseases. What that means is more jobs, more enterprise, more prosperity, while helping save humanity from the ravages of the diseases in every corner of the world that too often are unattended.

So what this Special Order here tonight does, it fits splendidly into the goal, the vision that I see for the 21st century. Our message tonight is that now is the time to double, we say to double the appropriations, the funding mechanisms for the National Institutes of Health, which, after all, are the bulwark of all the research and the development that is required to meet these visions that we have of combating disease.

Mr. Speaker, if we relegate funding to the National Institutes of Health of something like 15 percent, to increase the funding for the next 5 years at 15 percent per annum, we would be doubling the number of dollars now being spent for that magnificent institution that provides so much benefit to mankind, the National Institutes of Health.

For instance, right now we spend about \$14 billion. We would go up to \$28 billion, or the doubling about which we speak, by the year 2003. Now, we have been averaging about a 7 percent increase each year. I understand that this year the President offered a 9 percent increase; the Senate version of the proposals would probably be about 11 percent, and we hope that we can do a little better than that and meet the first leg, the first test of trying to double it by getting up to 15 percent. If we do so, then we will see tremendous momentum build up so that we can accelerate the rate and the breadth of the research that is required to meet that vision of eradication of disease among the citizens of the world.

The other feature of what we are doing here is that we did not come up with this idea about the worthwhileness of the National Institutes of Health just simply by saying it. About 5 or 6 years ago we established the Biomedical Research Caucus here in the House of Representatives.

The gentleman from Alabama (Mr. CALLAHAN), the gentlewoman from California (Ms. PELOSI), the gentleman from Massachusetts (Mr. KENNEDY) and myself are the current cochairs of that Biomedical Research Caucus. We have had over 60 or so special lectures by the most advanced scientists that we could muster as our lecturers to bring us up to date on the various progresses made by the National Institutes of Health. Among them have been about a dozen Nobel Prize winners in their particular field.

So you name the disease, Mr. Speaker, and I will name a lecturer, renowned lecturer, who has appeared in these very halls of the House of Representatives to give us an update on those diseases. Arthritis, AIDS, women's breast cancer, multiple sclerosis, Parkinson's disease, you name it. I challenge you and I will tell you, not only did we have a luncheon on it, I can even tell you the menu for the luncheon, but also who was the guest speaker and who brought us up-to-date on these developments. In every single case, cloning, new technologies, we even had the people from the space program come to tell us the advancements that were made by reason of space research in these very same scientific methodologies about which we speak.

Now, what is the purpose of all of these things? To bring us up to date to these diseases, but also to give incentives to Members of the House to redouble their efforts to bring about solutions and treatments for the various diseases about which we speak. I must tell my colleagues that in many of these cases, just around the corner lies the final solution to a lot of these archaic diseases that have plagued us for so long.

Now, how do we do this? I have colleagues here who are ready to speak on these subjects. I will yield to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I thank my colleague from Pennsylvania (Mr.

GEKAS), and I am honored to be here on this Special Order to help him with the endorsement of accelerated funding for the NIH.

As chairman, cochairman with the gentleman from Texas (Mr. GREEN), of the Genetic Privacy and Health Records Task Force of the Committee on Commerce, I can fully understand and appreciate the gentleman's feelings about accelerating the funding for NIH.

It is interesting that when I came to Congress, we were spending almost \$18 billion a year for foreign aid, and if anybody said, well, why are we spending so much money for foreign aid, yet we are spending so little for the NIH, I think we have been forceful in trying to get more money for NIH, but we still have a long way to go.

As the gentleman from Pennsylvania (Mr. GEKAS) mentioned, we are now at \$14 billion a year. One says, well, that sounds like a lot of money, but when we think of the kinds of things it can do for all Americans and for all of humanity, this is not enough money, and I think so much could be done.

I would like to just, for example, take my colleagues into the area I am familiar with, and that is taking advantage of some of the new opportunities in genetic engineering. For example, as we end this millennium, we will have completed a program to map and identify the entire human genome, but we will not have begun to access this new information. As my colleagues may be aware, I have been working on this legislation before the Committee on Commerce to ensure protective measures for genetic privacy to individuals so that we can move forward with these new technologies for all of our mutual benefits.

But where is this technology occurring? It is occurring at the National Institutes of Health. In the new area of NIH research opportunities, genetics is one of the most exciting and promising developments in molecular medicine. Once the map of the normal function of human genes is made available within the next few years, we will then, Mr. Speaker, be able to make comparisons with our own unique genetic blueprint. This will herald in a whole new era of computer collaboration with molecular medicine to develop a DNA chip, transferring the functions of human genome to a computer chip to be run for comparison for diagnostic and treatment purposes against our own genetic map. I mean, that is an enormous endeavor. It is going to require a lot of research.

The NIH is on the leading edge of doing this, and we need to fund that project, because the ultimate guarantee for all of us is better health by this DNA chip in transferring the function of the human genome to a computer chip so that we can run these comparisons to find out what particular genes are defective or what particular genes provide a predisposition for any of us for certain diseases.

The software and hardware that will be needed to be developed by the coop-

erative efforts of genome biologists, mathematicians and engineers to make the new field of genetics a reality will require this increased funding for the NIH. So again, I think it is a good case for all Members to be down here on the House floor to argue forcibly the need for increased funding for the NIH.

I think when we talk about funding for the NIH, we perhaps should put it into human terms, and I want to give my colleagues a case example of where this study, this research, has benefited all of us. The first debate in medical circles in the late 1960s and early 1970s was about the role of cholesterol in heart disease. Many scientists reasoned that a high-fat diet clogged the arteries and must surely contribute to heart attacks and strokes. Others argued that because so many Americans who dined on high-fat foods had apparently healthy hearts, cholesterol might just be sort of a wrong, a scapegoat.

Two physician scientists, Michael Brown and Joseph Goldstein of the University of Texas Southwestern Medical Center of Dallas, were treating children at the time, and this is interesting, who had heart attacks before the age of 10. Now, they discovered that the kids' arteries were as full of cholesterol deposits as those of a 50-year-old beef-eating man. Soon they identified the gene that controls special receptors on the surface of the liver, and other body cells, that removed the bad cholesterol before it has a chance to wreak havoc in blood vessels. None of the children with early heart disease had the gene needed to break down the bad cholesterol. So in 1985, Dr. Brown and Dr. Goldstein won the Lasker Award for discovering the mechanism that controlled cholesterol metabolism, and that same year they shared the Nobel Prize.

So that is an example of just simply scientists having the time and energy, working through the National Institutes of Health, through the grants, are able to solve some of the major problems.

I would like to identify another case example by Judah Folkman who generated a new approach to treating cancer that is directed not at the cancer cell itself, but at blood vessels that feed tumors. The cells that line blood vessels put out a host of proteins or growth factors to which tumors are attracted. If the tumors are deprived of its proteins, the cancer can be starved without harming the healthy cells the way normal chemotherapy does. This is a remarkable and once ridiculed idea that is now being tested in recurring and metastatic cancer. Based on Folkman's work, experiments with unique tumor-suppressing drugs will soon be ready for breast, colon, prostate and other cancer trials.

So, Mr. Speaker, we have here a need for this funding for research, and I think many of us are on the House floor today to say that the budget of \$14 billion is not enough. A lot of us around here talked about being fiscally

responsible, but here is a case where the direct benefits from increasing the funding for the NIH will be enormous. I am happy to say that there are other Members who have stepped forward to do just this.

Recently, Senator CONNIE MACK from Florida, my Senator, advocated doubling the NIH funding over the next 5 years. So I have joined with him and others to double this funding, to increase it, because I think they are consistent with the views of conservative budget policy. We get the biggest bang for the buck by this research to help all Americans, particularly when we look at what the population is doing today. It is aging, and we have Medicare still not completely out of solvency, right now is solvent to the year 2010, but we are going to see more and more baby boomers coming in, and we need this research to protect their lives.

So I was glad to join with Senator MACK and others in the House, with the gentleman from Pennsylvania (Mr. GEKAS) to increase funding for the NIH. It is a wise investment for the many health care results we achieve, and it is not that ambitious an enterprise when we consider that at the current rate of expenditures, we will double NIH funding in 10 years rather than the 5 that the gentleman from Pennsylvania (Mr. GEKAS), proposed.

□ 1900

We are suggesting that we provide this additional funding, we do it now, and I think the important theme tonight is to make all Members aware of the need to get behind this. It is not a lot of money.

As I say, the foreign affairs budget is almost higher than the NIH budget, and so now is the time to continue our efforts.

Mr. Speaker, I yield back to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for his remarks and I now yield to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GEKAS) for yielding to me.

Mr. Speaker, there is no greater tragedy in life that all of us must face at some time or another than facing a debilitating and serious and chronic disease. It touches Democrats, Republicans, people of all races and religions. It is a fact of life.

It is my pleasure to be here tonight to talk in support of not only the efforts of the gentleman from Pennsylvania to increase funding for the National Institutes of Health, but to stand up in support of that national health organization that leads the world in health research.

I just happened to visit for the second time the National Institutes of Health a week ago Monday. And I commend that visit to every Member of this body; to go out to the NIH and see the resources that we have there, that

we taxpayers fund in order to try to make lives better by curing disease. It is a remarkable experience to see it and to meet with the leaders of the centers and the institutes, the 21 centers and institutes of the National Institutes of Health.

Mr. Speaker, it is celebrating its 50th year, approximately, this year, having been the Public Health Service over the years and being the National Institutes of Health in recent times. I must say, Mr. Speaker, that the history is a proud one. There have been tremendous developments and progress achieved by the scientists, the researchers, the medical professionals, the nurses, the administrators at the National Institutes of Health. It is worthy of a Federal taxpayer commitment to enhance this research, to seek cures in our society for the very serious diseases which affect all Americans and, indeed, all people around the world.

I think we have to look at what increased funding would do. It would certainly help bridge the gap between the National Academy of Sciences and the NIH. There is research going on, scientific research going on throughout this entire government. The Department of Defense has a breast cancer facility and bank that looks at the incidence of breast cancer and blood work that would lead to cures for this terrible disease.

The National Aeronautics and Space Administration does tremendous work on microgravity. In fact, as we speak, there is a satellite and a space station somewhere and a research facility somewhere engaged with NASA doing this great research that is going to help people deal with the chronic diseases that affect their lives.

Mr. Speaker, I happen to have a special interest in diabetes research. In fact, I am proud to be one of the co-founders of the Diabetes Caucus with the gentlewoman from Oregon (Ms. FURSE), and 158 Members are now part of this Diabetes Caucus. We set out over the last three years that I have been in Congress to work very hard to raise the interest level and the understanding of diabetes.

The Speaker of the House, NEWT GINGRICH, has been a great leader in terms of providing additional funding for NIH, for the research mission to cure diabetes, because diabetes affects about 27 cents out of every Medicare dollar. It is spent in the treatment of diabetes and the very serious complications that can come if a diabetic does not take care of himself or herself. Things like blindness, amputations, heart disease, kidney failure, all of those things are consequences of lack of treatment and lack of care for the disease called diabetes that is a killer disease in our society.

So it has been our pleasure, with the other 157 Members, along with the gentlewoman from Oregon (Ms. FURSE) and myself, to push very hard this idea that we have to have increased funding at the National Institutes of Health, in

specific terms the National Institute for Diabetes, Digestive and Kidney Diseases, which does this great research on how to cure diabetes.

Mr. Speaker, if we cure diabetes, we will have a better society. If we cure cancer, we will have more productivity among all Americans and around the world. So it is in our interest, our national interest, to dedicate ourselves to increased funding for the National Institutes of Health.

When I visited the National Institutes a week ago Monday, I had a chance to meet with the director of the National Cancer Institute, and he showed me some graphic pictures of a gentleman who was a patient there of the hospital at NIH with skin cancer, a terrible outbreak. Terribly devastating consequences of that disease are present today in our society.

Through the research that has been done at NIH to introduce the concept and the substance of Interleukin, to allow the body to beef up its damaged-cell fighting capability, its natural mechanism for fighting disease, that Interleukin component works wonders. In fact, I had the chance to meet the gentleman who was the subject of the pictures I was shown with his cancer developed earlier in last year. And now I looked at him, and I know through this great research effort, his skin was clear.

So this is one example of how we can cure this disease called cancer 50 percent of the time. We cannot cure all the cancers in America and in the world, but we can cure about 50 percent, I am informed. So it is in our interest, having been touched by cancer in my own family and having been touched by diabetes in my own family, it is in our interest to devote ourselves to this effort to increase research funding for this great institute.

Along with that increased research funding, I think we need to encourage the NIH, encourage the scientists, the 55,000 scientists around the country, through our university systems who do NIH research as NIH grant recipients, to make sure that the money we devote to this institute and this agency is spent wisely. I do not doubt that it is, but I also feel as though we can focus better, perhaps, the resources of America, to allow the NIH to focus better and the institutes to focus better, to work better toward preventive cures and prevention of disease.

The gentleman from Pennsylvania (Mr. GEKAS) and I and others and the Speaker of the House this year, and a lot of Democrats, voted very forcefully in favor of the balanced budget agreement which provided \$30 million for diabetes research for five years, \$30 million times five; and \$30 million times five, \$150 million, for Native American research, which is a population disproportionately affected by diabetes.

Speaker GINGRICH and others worked very hard to get Medicare coverage for the preventive side of diabetes, mammographies in women, prostate

analysis in men, and the colorectal screening, all covered now and in this year in the Medicare program. That is going to save dollars on the other end.

And with this kind of research for treatment and cures through the NIH, we are going to be a better and healthier and happier and more productive and less wasteful society.

The Diabetes Working Group that we introduced is going to help focus the NIDDK, National Institutes for Diabetes, Digestive and Kidney Diseases, in how we set a chart, set a pathway to cure diabetes. I think it is a great model, Mr. Speaker, for other institutes to follow: To marshal the best minds, the best researchers, the patients, the children, the people who are affected by these devastating diseases, chronic conditions, mobilize them to chart a path, to chart a course to a cure or to better treatment or to making life easier with a particular disease. That is what the Diabetes Working Group is doing.

In fact, they are meeting this week again, all of these great minds and great scientists from around the country, to focus on how we can chart a path for additional research dollars to be spent, all in the cause of curing diabetes and its complications.

I think we have to recognize also that the consumer has a say in all of this, and increased funding for NIH, doubling the funding over the next five years, coordinating that funding with other scientific research throughout the government, has to have as a main component a consumer involvement. If we go out to the National Institutes of Health and see the National Health Library, it is hooked up to the Internet. It gets thousands of hits per month, per week, per day, to see and learn about disease and how NIH is working so very dramatically to help cure and treat those kinds of diseases.

That is a component that is very much a part of this NIH funding doubling. So that we can have the consumer who is touched by multiple sclerosis or AIDS or Alzheimer's or diabetes or cancer or Parkinson's or all the other diseases that are prominent in this country, they have a resource in the National Institutes of Health to touch immediately, to find out about that disease, to help a loved one get through it, to learn about it.

I know that is a common occurrence when people are touched by a disease. The first inclination that we all have is to find out about it, to learn about it and figure out how we can understand the current treatments. This is a value to doctors. It is a value to the consumer. It is a value to the researcher. And, by the way, we have to get good researchers funded through the NIH, the basic research that is done there and the applied research that is done there.

So this is a joint effort that joins diseases, it joins medical specialties across the board. It joins people from Congress, it joins special interest

groups who care deeply about a particular disease. It joins the teachers and students, and families. It joins all Americans in one common cause, one common objective. That is to cure disease in America and throughout the world.

The United States is the leader in that effort. It is the leader because we have the best scientists, the best minds, the best technology, the best resources and the greatest commitment, I submit, to reach this great goal of curing disease globally.

So I want to thank the gentleman from Pennsylvania (Mr. GEKAS) and thank the Speaker and all the others who care deeply about this issue. We will join with our colleagues and make this a reality in the next five years and hopefully get it all done this year.

Mr. GEKAS. Mr. Speaker, we thank the gentleman. His remarks have been right on point. We in the Biomedical Research Caucus recognize the gentleman from Washington (Mr. NETHERCUTT) as one of our leading advocates of focus and concentration on the disease of diabetes. We thank him.

Mr. Speaker, the target of all this and the absolute goal of this special order is to convince the Committee on the Budget that it ought to respond to the resolution that we offered about doubling the funding for the National Institutes of Health over the next five years.

The gentleman from Ohio (Mr. KASICH) chairman of the Committee on the Budget, and the gentleman from South Carolina (Mr. SPRATT) ranking member, have been very workmanlike over the past several years in preparing the budgets for the entire government, of course. We want them to pay special attention to the doubling of the funding effort for the National Institutes of Health.

How do we do that? They have some problems because they are under the constraints that they are, of course, trying to convince us we must maintain, and they are correct, capping on spending so that we can stay within the parameters of the balanced budget that we supported not too long ago and which, of course, has to continue in order for our country to prosper, to make sure that we never fall back into the deficit mode and that the balanced budget carries with it all the benefits that it should.

Well, how do we convince them to be able to do this doubling effort and still maintain those caps? That is an interesting problem, and one which we think can be addressed if only the chairman and the ranking member of the Committee on the Budget will look at the possibilities that lie before us to be able to do that without violating the balanced budget or the guidelines or the caps that they have instituted to protect the fiscal integrity of the Congress and of the government.

□ 1915

We submit that any proceeds that might be forthcoming from the tobacco

settlements that may or may not occur or the tobacco financing that can still occur, even without the overall settlement to which all the States are a party, that is a source of funding which would be a natural to devote to medical research, because it does not even have to be stated.

The causes of some of the worst diseases that we have emanate from smoking. We want to try to defeat both ends of the smoking cycle, to prevent teenagers from taking up the habit and to treat those who did not avoid the ravages of smoking, causing all the health problems that we know about.

So we want to be able to say that tobacco increased funding should be devoted, at least partially, towards medical research in the National Institutes of Health on how to prevent all the dastardly diseases that follow a lifetime of smoking.

So that is a natural, but that is not the only source that we can muster for dedication to the National Institutes of Health. We also have what is now being termed as the budget surplus. We are fortunate enough by all the configurations that have been entered into by the Committee on the Budget to be able to proclaim budget surpluses.

What better source for application of surpluses than that which we speak about here tonight, the National Institutes of Health? To be able to pour in a couple of billion dollars a year from the \$10 billion or \$12 billion or \$14 billion or \$20 billion, \$30 billion per year surplus that we may be enjoying the next several years would be facilitating the doubling of the funding that we are talking about without really harming the path that we will have established for creating surpluses.

So we believe that the letter that we have sent to the Committee on the Budget serves those purposes. We sent a letter dated April 8, 1998, to the gentleman from Ohio (Mr. KASICH), chairman, and the gentleman from South Carolina (Mr. SPRATT), ranking member, signed by, oh, I do not know how many, but a couple of dozen of our Members in which we discussed this very same prospect.

In fact, the last paragraph, the last cogent paragraph, I would like to read into the RECORD.

We say, "We respectfully request that the Committee on the Budget consider using a combination of sources and funding mechanisms to achieve the doubling goal for the National Institutes of Health. These funding sources include general revenues, budget surpluses, and budget offsets. We also request that the Committee on the Budget consider establishing a reserve fund to capture offsets from any tobacco settlement for the purpose of funding biomedical research and for other purposes stated in the settlement."

So we are explicit to the powers that be in the budget process. We are not saying, please, oh, help us and double the efforts. We are suggesting concrete methodologies for accomplishing the

doubling effort without harming the balanced budget for which the gentleman from Ohio (Mr. KASICH) and the gentleman from South Carolina (Mr. SPRATT) have worked so hard and which we support and which we do not want to violate in any way.

We just want the priorities to be set for the next century to include a heavy emphasis on biomedical research and all the efforts that can go into eradicating disease worldwide with the implicit benefits not only to humanity but to the economic leadership of our Nation.

Mr. Speaker, I include for the RECORD the following:

CONGRESS OF THE UNITED STATES,  
Washington, DC, April 8, 1998.

Hon. JOHN KASICH,  
Chairman, House Budget Committee,  
Washington, DC.

Hon. JOHN SPRATT,  
Ranking Member, House Budget Committee,  
Washington, DC.

DEAR CHAIRMAN KASICH AND RANKING MEMBER SPRATT: As the Budget Committee begins consideration of the Fiscal Year 1999 Budget Resolution, we urge you to provide sufficient budget authority and outlays to provide a \$2 billion increase (15%) for the National Institutes of Health (NIH). This is the first step toward achieving a doubling of the NIH budget over the next five years.

We recognize the pressures and trade-offs that you and your Budget Committee colleagues face in maintaining a balanced budget, but we ask that you consider the benefits derived from America's commitment to medical research, including a reduction in health care expenditures. Medical research is a budget saver, not a budget buster.

Recent breakthroughs in medical and health sciences have dramatically improved the quality of life for all Americans, and continue to yield cures and new treatments for the debilitating diseases which plague our society. The United States leads the world in the field of biomedical research, and will continue to lead the world only through a national commitment to increase support for the NIH.

Based on this record of success, and the tremendous potential for the future, we support sufficient budget authority and budget outlays to double NIH funding over the next five years, and to provide an increase of \$2 billion for Fiscal Year 1999 over the current appropriated level.

We respectfully request that the Budget Committee consider using a combination of sources and funding mechanisms to achieve the doubling goal for the NIH. These funding sources include general revenues, budget surpluses and budget offsets. We also request that the Budget Committee consider establishing a reserve fund to capture offsets from any tobacco settlement for the purpose of funding biomedical research and for other purposes stated in the settlement.

As the House Budget Committee begins preparing the FY 1999 Budget Resolution, we remind you of the historically strong and bipartisan support for the NIH, the world's premier research enterprise. We hope that you will honor our request to provide sufficient budget authority and budget outlays to accomplish the will of your colleagues in the House.

Thank you for your consideration. We look forward to working with you on this historic public health and quality-of-life initiative.

Sincerely,  
George W. Gekas, Louise Slaughter,  
Connie Morella, Martin Frost, James

Leach, Randy "Duke" Cunningham, Eni F.H. Faleomavaega, Sam Gejdenson, Anna Eshoo, Cliff Stearns, Joseph Kennedy, Brian Bilbray, Rosa DeLauro, Martin Meehan, James Greenwood, Albert Wynn, Steve Horn, Fred Upton, Jose Serrano, Lois Capps, Gene Green, Jim McDermott, Brad Sherman, Robert Borski, Carolyn McCarthy, Edward Markey, Bobby Rush, Frank Mascara, Dennis Kucinich, Bob Clement, Max Sandlin, Harold E. Ford, Jr., Earl Hilliard, Jerrold Nadler, James McGovern, Nydia Velazquez, Members of Congress.

CONGRESS OF THE UNITED STATES,

Washington, DC, March 24, 1998.

JOIN US IN URGING THE BUDGET COMMITTEE TO MAKE MEDICAL RESEARCH A PRIORITY

DEAR COLLEAGUE: As the House Budget Committee begins the process of formulating the FY 1999 House Budget Resolution, we are writing to ask you to sign the attached letter to Chairman Kasich and Ranking Member Spratt Supporting sufficient budget authority and outlays to accomplish two goals. First, to enable the House to provide a \$2 billion increase for the National Institutes of Health (NIH) in FY 1999, and second, to enable the House to double NIH funding over the next five years.

Throughout history, the United States has been the world leader in biomedical research. The benefits derived from America's commitment to medical research have led to life-saving medical breakthroughs, dramatically improving the quality of life for men and women throughout the world, and substantially reducing health care expenditures. Our investment has contributed to the development of innovative medical technologies and made America's pharmaceutical and biotechnology industries second to none.

Research has demonstrated that many diseases can be prevented, eliminated, detected or managed more effectively through a vast array of new medical procedures and therapies. The devastation once caused by polio has been virtually eliminated in most of the developed world. For the first time in history, overall death rates from cancer have begun a steady decline in the United States. Genetic research has enabled Americans to learn if they are more likely to develop osteoporosis, breast cancer, Lou Gehrig's disease, sickle-cell anemia, or some other disease. People with Parkinson's disease, diabetes, Alzheimer's disease, AIDS, and other ailments are living longer, healthier lives. But there is much more for us to learn, and much more we can do to enhance the quality of life for America's ill, frail, and disabled.

America's historic dedication of resources to biomedical research has had a real and lasting impact on our lives and those of our parents, children and grandchildren. The health and well-being of future generations depends upon strengthening our dedication to the principle that the federal government, in partnership with the private sector, has a legitimate role to further the advancement of science.

Turning those discoveries into new methods of treating disease will make every American a beneficiary of these monumental achievements. We ask you to join this effort by agreeing to sign the attached letter to Chairman Kasich and Ranking Member Spratt. To co-sign the letter please contact Seth Johnson in Congressman Gekas' office at x54315.

Sincerely,

GEORGE W. GEKAS.  
ANNA ESHOO.

A full exposition of our plans to double the funding for NIH would not be complete without mentioning some

key entities that have helped us all along in bringing to the floor all the special problems and special opportunities that we have as the research community begins the work of the 21st century.

We have four research societies, for instance, like the Whitehead Institute, the Human Genome Project, MIT, Dr. Mike Bishop, who is a Nobel laureate for oncogenes, co-recipient with the NIH Director Harold Varmus as the chief program advisor, all who are the umbrella group that helps us put on these biomedical research caucuses, briefings, luncheons, and other special projects that have heightened the level of understanding among Members of the House as to what progress is being made on all these.

By the way, Mr. Speaker, you should know that, in these biomedical research luncheons, not only do Members come but the real important people of the House of Representatives attend, the staffers, the staffers who are charged with the responsibility in their respective Member's offices to discharge the issues of health for their Member, for their congressman, attend these luncheons regularly and become well updated on all the advances that we have made and which the research community has produced.

We also have the Federation of American Societies for experimental biology which issues news bulletins on advances made on a regular basis; and, just recently, they provided for us a whole series of statements on some of the progress that has been made.

Some of their goals are to have the NIH increase its investment in collaborative translational investigations by supporting more grants engaging both basic and clinical biomedical scientists as co-investigators. These are the wool from which the whole cloth is being constructed to try to hone in on and concentrate on eradicating disease from the face of the earth.

We also have lists of research opportunities, if we double this effort, from the Campaign for Medical Research, from the Joint Steering Committee for Public Policy, as we have mentioned, and from various sources that are implicitly and explicitly involved in what we intend to try to accomplish.

Mr. Speaker, I include that list that we have of the cosponsors to H. Res. 363 urging the Committee on the Budget to double the funding for the RECORD:

#### 44 COSPONSORS

Rep. Porter—02/12/98.  
Rep. Morella—03/05/98.  
Rep. Stearns—03/05/98.  
Rep. Pickering—03/05/98.  
Rep. Towns—03/05/98.  
Rep. Kennedy, P.—03/05/98.  
Rep. Cooksey—03/05/98.  
Rep. Eshoo—03/16/98.  
Rep. Moakley—03/16/98.  
Rep. Green—03/16/98.  
Rep. Kennelly—03/16/98.  
Rep. Davis, D.—03/16/98.  
Rep. Faleomavaega—03/16/98.  
Rep. Pelosi—03/24/98.  
Rep. Clay—03/24/98.

Rep. Bachus—03/24/98.  
Rep. Gutierrez—03/24/98.  
Rep. Gonzalez—03/24/98.  
Rep. Greenwood—03/25/98.  
Rep. Filner—04/01/98.  
Rep. Fattah—04/21/98.  
Rep. Gejdenson—04/21/98.  
Rep. Frank—03/05/98.  
Rep. Coyne—03/05/98.  
Rep. Cunningham—03/05/98.  
Rep. Evans—03/05/98.  
Rep. Clayburn—03/05/98.  
Rep. McCarthy, C.—03/05/98.  
Rep. Kennedy, J.—03/16/98.  
Rep. Boehlert—03/16/98.  
Rep. Peterson, J.—03/16/98.  
Rep. Pallone—03/16/98.  
Rep. Woolsey—03/16/98.  
Rep. Mink—03/16/98.  
Rep. Callahan—03/24/98.  
Rep. Bentsen—03/24/98.  
Rep. Furse—03/24/98.  
Rep. Farr—03/24/98.  
Rep. Sanders—03/24/98.  
Rep. Bilbray—03/24/98.  
Rep. McGovern—03/25/98.  
Rep. Spence—04/01/98.  
Rep. Rush—04/21/98.  
Rep. Jenkins—04/21/98.  
Rep. Baldacci—4/28/98.

That covers everything that I might have wasted the Speaker's time in presenting at this juncture.

Suffice it to say, again, if indeed the United States continues to be and wants to remain the leader in the world of pharmaceuticals, of biomedical research, biotechnological advances, of all the efforts made towards one goal, to eradicate disease from the face of the earth and to remain the chief spokesman in the world and the chief entrepreneur in these enterprises, then it is a natural gigantic step for us to double the funding for the National Institutes of Health. We trust that the Members of Congress will see it as clearly as we do and help us in this effort.

Mr. PORTER. Mr. Speaker, I am very pleased to speak on the importance of doubling funding for the National Institutes of Health.

In my judgment, basic biomedical research, funded through the National Institutes of Health, is one of our Nation's highest priorities. The work performed by the scientists at the NIH campus, as well as those scientists who are funded by the NIH at our Nation's premier academic institutions and nonprofit organizations, is virtually important. There commitment to battling disease has provided significant hope for the prevention, treatment, and eventual eradication of disease in the future.

There is hardly a more vital endeavor. Biomedical research lengthens and improves the quality of life for every American—indeed, for every human on this planet. Our country's continued lead in biomedical research—we are the envy of the world in this regard in both basic and applied research—means higher economic growth and the kind of high-tech, high paying jobs for our children and grandchildren that we want. Indeed, biomedical research is the best investment our Government makes because it pays for itself thousands of times over in terms of health care cost savings. The savings from one discover—the Salk vaccine—has paid for all the costs of NIH over its entire 50 year history and there have been thousands, tens of thousands, of such discoveries. In addition, basic research, the kind

most often pursued by NIH and NIH grantees will only be funded by Government; there is no immediate profit motive. Finally, scientific opportunities have never been greater. If we fail to find the resources to take advantage of them, we risk the lives and health of our people and all of the dear economic advantages of our leadership.

I serve as chairman of the Appropriations Subcommittee which funds the National Institutes of Health—as well as the Departments of Education, Health and Human Services, and Labor. Because there is such potential for real progress in treatment, cure, and prevention of disease through NIH research, I'm committed to providing NIH Director Dr. Varmus, the resources he and his colleagues need to advance their work.

Over the last several years, we have achieved great success in doing just this. In fiscal year 1996, despite tremendous budget battles, and frankly, little support from the administration, the Congress provided the NIH with a 5.7 percent increase. For FY97, we increased the NIH by 6.9 percent, and in 1998, by 7.1 percent to nearly \$13.65 billion.

Over its 50-year life, the annual real rate of increase in the NIH funding has been about 3 percent. But despite these strong increases the number of research proposals funded is barely keeping up with the number of promising proposals that are available. Because the opportunities in science are unprecedented, I strongly doubling Federal funding for all basic research over 5 years. With this strong commitment, the NIH will be able to pursue many more scientific opportunities that currently go unfunded.

The goal of finding a cure for the diseases that touch every individual in our society is an objective that should be above political partisanship and economic and social divisions. I urge my colleagues to work for this noble goal by viewing the NIH as a whole, the sum of extraordinary science that transcends the artificial boundaries of institute and seeks to cure or alleviate all diseases that afflict humankind.

Mr. BENTSEN. Mr. Speaker, I rise today to express my strong support for maximizing funding for biomedical research through the National Institutes of Health (NIH). I believe that our Nation must increase this investment to capitalize on recent medical advances and ensure that the NIH has the necessary resources to conduct cutting-edge research on diseases such as heart disease, diabetes, cancer, and AIDS.

I believe that doubling the NIH budget is the best approach to meet this goal. In the coming weeks, I plan to offer an amendment in the House Budget Committee to double the NIH budget. As we know, President Clinton has proposed a Fiscal Year 1999 NIH budget of \$14.8 billion, an increase of \$1.15 billion or 8 percent. The President also proposed increasing funding for biomedical research by at least 50 percent from 1999 to 2003. The President's proposal represents a good starting point, but Congress must make biomedical research an even higher priority, as we have in recent years. The Senate budget resolution includes a 11-percent increase in NIH funding, to add \$1.5 billion to the NIH budget. I believe the House budget should include at least the Senate level of funding and preferably the \$2 billion increase called for in House Resolution 363, which was introduced by our colleague Mr. GEKAS and which I am co-sponsoring.

Doubling the NIH budget is necessary to ensure that we are meeting the research needs of our scientific community. The NIH supports the work of more than 50,000 scientists within the United States. Yet, on average only one in five of peer-reviewed NIH grants are funded. We need to increase the number of peer-reviewed grants so that more life-saving and cost-effective treatments and therapies can be discovered. In addition, in this age of managed care, the NIH must increase its budget to ensure that clinical trials continue. Academic health centers, where many of these trials are conducted, have traditionally used surplus revenues from patient care to supplement federal funding. With managed care, these surpluses are disappearing just as our scientific community is ready to develop new treatments and therapies for cancer and other diseases. With this added investment, more scientists would be able to conduct research that will reduce health care costs and save lives.

I believe that investment in biomedical research is cost-effective for taxpayers. A recent National Science Foundation study found that advances resulting from government investments in research and development, totaling about \$60 billion a year, has produced big results. This study found that more than 70 percent of scientific papers identify government funding, not private research funding, as critical to new patents and biomedical discoveries.

I also believe that investing in the NIH helps our economy to grow. For every dollar spent on research and development, our national output is permanently increased by 50 cents or more each year. The government funds the basic research which biotechnology and pharmaceutical companies use to create new therapies and treatments for cancer, diabetes, and heart disease.

As the representative for the Texas Medical Center, one of our Nation's premiere research centers, I have seen firsthand that this investment is yielding promising new therapies and treatments for all Americans. During a recent tour at the Texas Medical Center, I reviewed a gene therapy project which is helping to map the human genome. With this new information researchers hope to understand the genetic basis for disease and provide new therapies by fixing genetic abnormalities.

I strongly urge Congress to provide maximum funding for the NIH and urge my colleagues to support this effort.

Mr. BILIRAKIS. Mr. Speaker, As chairman of the Health and Environment Subcommittee, which has jurisdiction over the National Institutes of Health (NIH), I want to take this opportunity to express my strong support for increasing Federal funding to support the vital, life-saving research performed by NIH experts. I recently endorsed a proposal to double Federal funding for the National Institutes of Health (NIH) over the next 5 years.

On March 26, my Health and Environment Subcommittee held a hearing on new developments in medical research. This hearing was an important opportunity to learn more about the NIH priority-setting process and ongoing research efforts related to a number of specific diseases.

At this hearing, we heard testimony from a distinguished group of witnesses, including Muhammad Ali, National Spokesman for the National Parkinson Foundation, Dr. Harold Varmus, NIH Director, and representatives of

patient groups. While advocating different approaches to disease research funding, all agreed on the need to provide more money for biomedical research.

To that end, I recently introduced H.R. 3563, the Biomedical Research Assistance Voluntary Option or "BRAVO" Act. This bipartisan measure would allow taxpayers to designate all or a portion of their Federal income tax refund to support NIH biomedical research. These taxpayers would be entitled to a charitable deduction under existing provisions of the Internal Revenue Code.

Under my bill, funds designated by taxpayers for use in biomedical research would be transferred by the Treasury Department to the gift fund of the National Institutes of Health. The bill specifically states that transfers to the gift fund may not offset amounts that otherwise would be appropriate for the National Institutes of Health.

In addition, my bill would give the Treasury Department flexibility in developing regulations to implement the Act. The bill would only require the designation to be made either on the first page of the return or on the page bearing the taxpayer's signature.

Passage of the BRAVO Act will help channel additional funds to support the critical research efforts ongoing at NIH. I remain committed to working with my colleagues to achieve the goal of doubling Federal funding for NIH over the next 5 years.

Mrs. MORELLA. Mr. Speaker, I am pleased to join my colleague from Pennsylvania, Congressman GEKAS, in this important special order on the critical importance of biomedical research funding. The National Institutes of Health (NIH) is located in my congressional district, and I am proud to represent this premier biomedical research institution.

Tonight, we are devoting this special order to the goal of doubling the NIH budget over the next 5 years. The NIH, the world's leading biomedical research institution, is one of the great success stories of the Federal Government. Our current \$13.6 billion investment in biomedical research is a real "bang for the buck"—saving lives and reducing health care costs, while improving the quality of health care and creating jobs and economic growth.

The historical support of the NIH by Congress and both Republican and Democratic administrations has produced a comprehensive network of more than 50,000 scientists and technicians at more than 1,700 research universities, academic medical centers, and institutions throughout the United States.

NIH-sponsored research provides economic returns of incalculable value. The spawning of the biotechnology revolution is beyond question, with increased sales in 1996 of \$10.8 billion (a 15 percent increase over 1995) and the addition of 10,000 new high-tech jobs to our national economy. In 1993 alone, NIH contributed nearly \$45 billion to the U.S. economy and over 726,000 jobs. Our country's economic leadership has been secured in large part by our ability to translate scientific discoveries into new product development for export.

However, many Americans still face life-threatening health problems, and new medical challenges constantly arise. For most of these conditions, research offers the best, and, in many cases, the only hope. In recent years, NIH-sponsored research has produced major advances in the treatment of cancer, heart disease, diabetes, HIV/AIDS, rheumatoid arthritis,



and mental illness that have helped save hundreds of thousands, if not millions, of lives.

Currently, fewer than one-third of reviewed grants are funded. Our failure to improve this ratio will cause important scientific leads to be delayed or lost. It will also deter young, talented scientists from careers in biomedical research. The resulting loss in scientists and new ideas could endanger U.S. competitiveness.

Funding biomedical research through the NIH is today's investment in America's future. We must make a substantial commitment now if we are to ensure the future health and economy of our Nation.

As I have for the past several years, I circulated the congressional funding letter, along with Congressman JOE KENNEDY, urging the Appropriations Committee to provide a 15-percent increase for the NIH for Fiscal Year 1999, the first installment toward our goal of doubling the NIH budget. I am pleased to report that we had more than 80 co-signers on this bipartisan letter.

I am also pleased to be a cosponsor of the resolution, introduced by Congressmen GEKAS and PORTER, expressing the sense of Congress that the NIH budget be doubled within 5 years. I also co-signed the letter to Budget Committee Chairman JOHN KASICH, urging that the budget resolution provide an adequate allocation to the Labor-Health and Human Services-Education Subcommittee in order to allow such an increase in funding.

Mr. Speaker, I look forward to continuing to work with my colleagues here tonight to substantially increase our commitment to biomedical research.

Mr. CUNNINGHAM. Mr. Speaker, I rise today to join my colleague from Pennsylvania (Mr. GEKAS) in addressing the critical need for increased funding for the National Institutes of Health (NIH).

I am submitting letters from my constituents who have shared with me the importance of NIH funding to their lives. These letters eloquently make the case for increased NIH funding.

Again, I want to thank my colleague from Pennsylvania for leading this debate tonight and encourage all my colleagues to support increased funding for NIH.

ARTHRITIS FOUNDATION\*,  
San Diego, CA, April 24, 1998.

Hon. RANDY CUNNINGHAM,  
Rayburn House Office Building,  
Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: This is to share our concerns and express the importance of doubling the funding to the National Institutes of Health (NIH). Funding research is critical to addressing the causes, treatments, and prevention of arthritis, musculoskeletal and skin diseases. Over 40 million Americans have some form of arthritis and it is predicted that by the year 2020 that number will increase to 60 million.

Arthritis occurs at all ages, destroys the quality of life for people who have it, and requires medical care over long periods of time. The current economic costs are estimated to be at least \$143 billion. Arthritis and related diseases are the most common causes of chronic illness in the United States and are the leading causes of time lost from work.

Arthritis researchers are making great strides in understanding these diseases. Some of the advances sponsored by NIAMS include: new understandings of the roles of immune system abnormalities, infectious

agents, and genetic factors in rheumatoid arthritis; development of new experimental treatments for osteoarthritis, significant insights into the specific genetic factors involved in lupus; and improved total hip replacement materials and techniques that have enhanced quality of life and productivity for many people.

While these are significant advances, we need to continue to support researchers and new investigators so that more answers can be found to reduce the incidence and prevalence of arthritis.

The Arthritis Foundation spent \$16 million in 1997 on arthritis research and has committed to more than doubling that amount to \$37 million by the year 2000. Please support our commitment by doubling the funding to NIH so that we can work together towards finding a cure for and prevention of arthritis.

Your time and efforts are greatly appreciated by all who have arthritis.

Sincerely,

JULIE SCHWARTZ,  
Associate Vice President.

UNIVERSITY OF CALIFORNIA, SAN DIEGO,  
April 27, 1998.

Hon. RANDY "DUKE" CUNNINGHAM,  
House of Representatives,  
Washington, DC.

DEAR DUKE: I am writing to urge you to support the goal of doubling the budget of the National Institutes of Health (NIH) in 5 years, and to specifically support a \$2 billion increase in the NIH appropriation for FY99. Such action will be an important step towards expanding one of our country's greatest assets, namely the biomedical research supported by the NIH.

To remind you, Federal support of biomedical research and the NIH is of crucial importance to the health and vitality of the people in our country. Historically, this type of research has led to, and continues to lead to, new treatments for previously incurable diseases, as well as new and lower cost treatments for already treatable diseases. Both types of breakthroughs are of crucial economic benefit to the country (imagine the cost of caring for people afflicted with polio if a vaccine had not been developed with Federal support). Both types of breakthroughs also reduce much needless human suffering. In addition, biomedical research will be a critical component in the long-term solution of the Medicare financial crisis. Expensive, and ultimately treatable diseases of the elderly such as Alzheimer's, diabetes, and cancer play a large and growing role in skyrocketing medical costs to our society.

Biomedical and other scientific research are also both economical drivers; they create knowledge and insights that lead to new inventions, new companies, innovation, and economic growth. Research supported by the NIH is the main engine that drives the increasingly important Biotechnology industry in this country, and will continue to do so in the foreseeable future.

I also want to point out that the health and quality of life of our citizens is just as much a national security issue as is military defense. Surely, the battle against viruses, bacteria, cancer and other debilitating diseases is just as important to the security of all of the American people as is our vigilance against threats from abroad.

Finally, I want to note that increased funding for NIH research is likely to be supported by the vast majority of your constituents. Recent polls found that 9 out of 10 Americans believe that we are not spending enough on medical research; they overwhelmingly favor medical research over environmental, defense, or energy research. In addition, there are data to support the view that Americans are willing to pay for bio-

medical research. For example another poll found that 71% of Americans would be willing to pay 1% more for insurance if there were some way to funnel the revenues exclusively to biomedical research.

This is a crucial time in our country's history. The 21st century has the potential to be the golden age of medicine and human health. We must not waver from our determination to make our country the healthiest and wealthiest ever. Biomedical and other scientific research is one of the most time-tested methods for achieving these ends. Your support will help us to achieve these important goals.

Sincerely,

LAWRENCE S. B. GOLDSTEIN, PH.D.

UNIVERSITY OF CALIFORNIA, SAN DIEGO,  
April 24, 1998.

Hon. RANDY CUNNINGHAM,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN CUNNINGHAM, I understand that you're going to participate in a discussion of the NIH budget on April 28, and I'm writing to urge you to support as strongly as possible the initiatives of the Congress, as well as the Administration to increase the budget allocation for NIH for the next fiscal year. Finally the public realizes that NIH is a magnificent national success story. The United States is leading the world in biomedical research and for the first time in years, morbidity by cancer and cardiovascular diseases is decreasing. The Human Genome Program promises a true avalanche of useful information for diagnostic and follow-up of human diseases and advances made in cellular and molecular medicine continue to be unusually exciting, often leading to practical applications in biotechnology, as well as in the pharmaceutical industry. It would be highly regretful if for myopic financial consideration the momentum we have achieved in biomedical research will be lost. I thank you in advance for your support. I'm available for additional information, if needed and, I remain,

Gratefully yours,

GEORGE E. PALADE, M.D.

Professor, Division of Cellular and Molecular  
Medicine.

UNIVERSITY OF CALIFORNIA, SAN DIEGO,  
April 28, 1998.

Hon. RANDY "DUKE" CUNNINGHAM,  
U.S. House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: I am writing to thank you for participating in the floor discussion on doubling the NIH budget tonight. As a research scientist, I know first hand the many benefits that biomedical research provides for this country. The federal government's support of basic science has led to spectacular advances in health while also contributing to our national economic growth. Investment in medical research is the first and critical step in prevention, treatment, and control of disease, which in turn will lead to longer, healthier, and more active lives. However, many Americans still face life-threatening health problems, and new medical challenges are arising. For most of these conditions, research offers the best and in many cases the only hope.

I want to thank you for supporting the effort to substantially increase our investment in biomedical research, which is critical to the health and well-being of our nation.

Sincerely yours,

SCOTT D. EMR,  
Professor of Cellular and Molecular Medicine.

APRIL 27, 1998.

Hon. RANDY "DUKE" CUNNINGHAM,  
U.S. House of Representatives,  
Washington, D.C.

DEAR REPRESENTATIVE CUNNINGHAM: I would like to strongly encourage you to support the goal of doubling the budget of the National Institutes of Health (NIH) in 5 years, and, in particular, to support a \$2 billion increase in the NIH appropriation for FY99. The opportunities for advances in biomedical sciences over the coming decades are unparalleled. The United States has provided worldwide leadership in biomedical science research over the years primarily because of the visionary decision to establish the National Institutes of Health in the 1940's. No other country has done this.

The opportunities in the decades ahead are extraordinary as we see a merging of technologies in the physical, chemical and computational sciences and their applications to biology and disease. Whereas we have made advances with telescopes and rockets that probe the universe in the past, we are now poised to make equivalent progress by focusing our microscopes inward to cells and molecules. An investment in the NIH is not only a sound investment in the benefits it will reap for treating disease, for curing disease, and for eradicating pathogens, it is also a sound economic investment. Not only will it reduce health care costs, the basic science that has grown from basic biomedical research supported by NIH has fueled our rapidly growing biotechnology industry. Once again we are undisputed world leaders. We must continue to lead.

Federal support of biomedical research and the NIH is of crucial importance for the health and vitality of the people in our country. Historically, this type of research has led to, and continues to lead to, new treatments for previously incurable diseases, as well as new and lower cost for treatments. Both types of breakthroughs are not only of crucial economic benefit to the country, but also reduce much needless human suffering. Biomedical and other scientific research are also both economic drivers; they create knowledge and insights that lead to new inventions, new companies, innovation, and economic growth. As indicated above, research supported by the NIH is the main engine that drives the increasingly important Biotechnology industry in this country, and will continue to do so in the foreseeable future.

This is a crucial time in our country's history. The 21st century has the potential to be the golden age of medicine and human health. Our ability to realize this vision depends on the creative leadership of you and your colleagues. Your support will help us to achieve these important goals and is greatly appreciated.

Sincerely,

SUSAN S. TAYLOR, Ph. D.

APRIL 27, 1998.

Hon. RANDY CUNNINGHAM,  
Rayburn House Office Building,  
Washington, DC. 20515.

DEAR REPRESENTATIVE CUNNINGHAM, Alzheimer's disease is one of the greatest threats to the personal and financial security of most Americans as they reach their retirement years. It is also one of the greatest threats to Medicare and Medicaid. Today, 4 million Americans have Alzheimer's. Most of them are Medicare beneficiaries; on an average, the cost to the Medicare system is almost 70% more than beneficiaries who are not cognitively impaired. This is true even though Medicare does not pay for most of the care they need. Nearly half of the Medicare beneficiaries also receive Medicaid, because they have used up all of their own resources paying for long term care.

By the time the baby boomers reach the age of greatest risk in the next century over 14 million Americans will have Alzheimer's disease. It is hard to see how we can save Medicare and Medicaid for future generations if we let that happen.

There is an answer to Alzheimer's disease and to other costly diseases. The answer is medical research. Scientists now know that changes in the brain start as much as 20 years before the disabling symptoms of Alzheimer's appear. That means that in most of the baby boomers who will eventually get Alzheimer's, the disease process has probably already begun.

The progress that has been made in Alzheimer's research in the past decade is truly remarkable. But just when the path to real answers to the disease is becoming clear, the funding for Alzheimer's research has slowed to the point that scientists cannot begin the important work on prevention that must begin today if we are going to save the baby boomers from the disease.

If we can delay the onset of Alzheimer's disease for even 5 years, we can reduce the incidence of Alzheimer's disease in half and save as much as \$50 billion in the annual cost of care. That is one of the best investments in the future that Congress can possibly make.

Time is running out! That is why the Alzheimer's Association is asking Congress to increase funding for Alzheimer's research this year by \$100 million, and to increase the overall funding for NIH by at least 15%. Thank you for your support of cause.

Sincerely,

RON HENDRIX.

Ps: My father died of Alzheimer's disease on December 26, 1997, after 10 long hard years. My mother died 7 years earlier due to stresses brought upon by caregiving. I don't want my children to face this disease. Please help!

APRIL 27, 1998.

Hon. RANDY CUNNINGHAM,  
U.S. House of Representatives,  
Washington, DC.

DEAR MR. CUNNINGHAM: Along with 2,500,000 other Americans, a thief resides in my home, robbing my eleven year old son Skyler of his health, his ability to learn, his self-confidence, his personal safety, and perhaps, one day, his life. The intruder is epilepsy, a brain disorder that presents in the form of seizures. Epilepsy can affect anyone; any gender, any ethnicity, at any age, at any time, and in 30% of all cases, the cause remains unknown.

Modern treatments are successful in fully or partially controlling seizures in about 85% of cases. Unfortunately, my son is counted in the additional 15% for whom all known medical treatments have been tried and failed. Skyler has been on every seizure medication available in the world, including clinical and compassionate use trials. At times it has been difficult to distinguish which were worse, the seizures which assault his brain and body, or the drugs which cause him to lose his balance, his speech, his kidney and liver functions, and at times, his will to live. He has undergone obscure medical therapies such as steroid injections, immuno-globulin transplants, and ketogenic diets. And still Skyler has debilitating seizures everyday of his life.

Mr. Cunningham, research holds the only hope that my son might live a productive and meaningful life. New medications with fewer side effects are desperately needed. Research alone holds the key to treatments for epilepsy and many other catastrophic brain diseases and disorders. Congress must in-

crease the federal commitment to biomedical research by allocating sufficient funding to the efforts at the National Institutes of Health and Center for Disease Control.

Please, on behalf of all Americans who live with the thief epilepsy, like my son Skyler, support initiatives to double the total national commitment to medical research from all sources. It is Skyler's only hope.

Sincerely,

TRACEY J. FLOURIE.

APRIL 26, 1998.

DEAR CONGRESSMAN CUNNINGHAM: I have a beautiful, lovable 13 year old daughter, Cassidy, who was diagnosed with Insulin Dependent Diabetes when she was 10. She did nothing to cause it. It is still a mystery why certain people get type I diabetes. She is a normal 13 year old; she loves to go to movies, talk on the phone with friends, play softball, basketball and soccer, figure skate, play piano and go to our church's youth group.

This could happen to anybody. We do not know of any diabetes in my husband's or my families.

We say prayers every night and when she was first diagnosed, she would pray for God to help her get over the diabetes. I had to tell her the bad news: once you get insulin dependent diabetes (Type I), it never goes away. Every day for the rest of her life she will have to prick her finger and test her blood from 4 to 6 times a day and inject insulin from 3 to 5 times a day. And the insulin must be done in proper dosages and at proper times or she will die. That is until there is a cure. Diabetes can have a horrible effect on these children's bodies. One of every 7 dollars in health care and one of 4 Medicare dollars are spent on diabetes and its complications.

So what is the answer? Research to find a cure. These two reasons: (1) to reduce the human suffering and deaths, and (2) to save the billions of dollars that are spent treating diabetes and its complications. Sixteen million Americans have diabetes. (That's Type I and II.)

That is why, as a mother, I feel it is important to join with the many parents and volunteers at the Juvenile Diabetes Foundation is urging a 15% increase in NIH funding this next year and a doubling of the NIH funding in the next 5 years. Thank you for all you are doing to help. Your compassion and commitment are deeply appreciated.

JANET KINTNER.

## TOBACCO REPORT ON TEENS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. Pallone) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I want to address a number of issues tonight: first, a very important domestic issue, and that is the tobacco settlement and some recent information that has come out which supports, in my opinion, the need or the suggestion that many of us have made, that we need to move forward quickly and pass a tobacco bill that is very stringent in its effort to try to get after the problem of teen smoking in this country. That basically increases the Federal tax on cigarettes so that the money can be used for these tobacco prevention programs, particularly among young people.

Then I would like to move on from there and talk about a couple foreign

policy issues. But I would like to begin with a report that just came out again on the issue of tobacco and teen smoking.

Yesterday, the Surgeon General, David Satcher, released a report. It was prepared by the Centers for Disease Control and Prevention. It is called Tobacco Use Among U.S. Racial/Ethnic Minority Groups. The report is the 24th in a series of tobacco reports that began 34 years ago. It has some very disturbing information in it.

This report's release also, I might add, Mr. Speaker, could not be made more timely in light of what is going on in this House of Representatives on the issue of tobacco settlement.

It is very unfortunate, and I have already said on the floor and I will say again, that Speaker GINGRICH and the House Republican leadership has opposed tough tobacco legislation. Because of their opposition and because they are in the majority and control what happens on the floor of this House of Representatives, tobacco legislation and the tobacco settlement's future is essentially in doubt.

It is not clear at all that we will be able to pass a tobacco bill this year. I want everyone to know, and I think everyone does already, that myself and other Democrats and the Democratic leadership and the Democratic caucus in general are very much in favor of a tobacco bill passing. Because if it does not pass this year, we are going to lose the opportunity to deal with the problem of teen smoking in the United States.

Getting back to the report that was released yesterday by the Surgeon General, it makes a compelling case, I believe, for passing a tough tobacco bill.

In a letter to Members of Congress that accompanied the report, the Surgeon General explained, and I quote, smoking is the leading cause of preventable death in the United States. Certain racial/ethnic minority populations remain at high risk for using tobacco and often bear a disproportionate share of the human and economic cost of tobacco use.

Although some recent declines in lung cancer trends are encouraging, we have reason for great concern about reported increases and rates of smoking among African American and Hispanic high school students.

That is in the letter that accompanied the report from the Surgeon General.

The Surgeon General then continues that the report sounds an urgent alarm. If minority tobacco use continues to increase, we can expect severe health consequences to begin to be felt in the early part of the next century. We must use every tool at our disposal to reduce tobacco use amongst racial and ethnic minorities, especially amongst adolescents, and to reverse these frightening trends.

I have to say, Mr. Speaker, if you look at this report, and I actually brought a copy of the report with me

this evening, it is a rather thick report, it is a rather thick document, and there is an executive summary, but it does give us some very alarming information.

It says that teen smoking rates grew among all ethnic groups in the 1990s. So even though this is about ethnic minorities, the teen smoking rate grew amongst all ethnic groups in this decade. The smoking rate amongst African American teenagers grew a staggering 80 percent between 1991 and 1997.

□ 1930

Approximately 20 percent of African American high school students smoke today, and that is one out of every five African American teens. The Surgeon General estimates that if this trend continues, 1.6 million African American children will become regular smokers and 500,000 of them will die as a result of that smoking habit.

I think it is important to note that the increase in the 1990s amongst black children reverses the trend set in the '80s and '70s when smoking rates actually declined.

Among Hispanic teens, the smoking rate rose by 34 percent over this same period. Approximately 33 percent, or one out of every three Hispanic teenagers smokes cigarettes.

Amongst Asian American teens, the smoking rate rose 17 percent between 1990 and 1995; and the overall rate of teens who smoke in the Asian American community is estimated to be about 20 percent.

The report also provides information with regard to Native American teens, the fourth ethnic group examined by the report; and the teen smoking rate rose by 26 percent amongst that group between 1990 and 1995. Approximately 50 percent or one of every two Native American teens smokes.

It is also estimated that about 40 percent of white high school students use cigarettes.

Now, the unfortunate thing about all this is, and we have pointed this out, myself and other Democrats who have been concerned about this issue, is that the tobacco companies clearly see the need to increase smoking amongst teenagers because they are the smokers of the future. If the teen smoking rates decline, then in another 10, 20, or 30 years the amount of tobacco use in the country would significantly decline. So that is the particular reason why the industry targets teenagers. It is also the reason why we must stop them from continuing to do that targeting amongst young people.

As numbers like these continue to roll out, in concert with the documents from the tobacco industry that detail their efforts to target children, I think Republican leaders in both the House and the Senate should not ignore reality and block progress and basically join with the Democrats and particularly with President Clinton in trying to move tobacco legislation in the few months that we have left in this Congress.

Now, of course, we know that the opposite is, in fact, happening. Just last week, Speaker NEWT GINGRICH felt compelled to defend Joe Camel, amongst all things. He went out of his way to make it known in his opinion that Joe Camel is not the reason why teenagers smoke cigarettes.

Now, we have document after document and report after report being released, many of those reports coming out of my own committee, the Committee on Commerce, and they show the havoc that tobacco has wreaked on our children in the past and the devastation it is causing today, and they clearly show that Joe Camel is part of this effort, that Joe Camel was an effort to essentially target young people. And here we have the Speaker of our House of Representatives defending Joe Camel.

This, I should add, comes shortly after the Speaker picked up the mantle of the tobacco industry itself and blasted the bill authored by his fellow Republican, Senator JOHN MCCAIN of Arizona.

I have said before that I admire Senator MCCAIN for pushing a relatively tough piece of tobacco legislation. It does not go as far as I would have it go. I think it does not go far enough on the issue of liability for the tobacco companies and some of the issues that Democrats care about. But he is making a bipartisan effort to pass a tobacco bill that deals with the problem of teen smoking; and he should be commended for it, not condemned for it.

Speaker GINGRICH said that, in talking about Senator MCCAIN, he said that those people who say that is not a Republican bill, he is talking about Senator MCCAIN's bill, they are right. So I guess, from what the Speaker seems to be suggesting, any bill that does not win the tobacco industry's stamp of approval cannot be called the Republican bill. The reality is, it is sponsored by a Republican, and it was passed on a bipartisan basis, and I commend the Republicans who have been joining with the Democrats to try to move this legislation.

This weekend, still more of Senator MCCAIN's colleagues took to the airwaves to bash his bill. Again another Republican, Senator ORRIN HATCH, appeared on Meet the Press this Sunday to make it known he, too, does not approve of the MCCAIN bill.

And at the same time that members of his own party continue to publicly squabble about tobacco legislation, the Republican majority leader, Senator LOTT, ironically enough, continues to criticize the President for showing no leadership on the tobacco issue.

I would suggest that Senator LOTT needs to check his facts. The President and congressional Democrats are on the same page. We are all in agreement that the tobacco companies should not be left off the hook.

In fact, President Clinton, when this report that I am making reference to today from the Surgeon General, it was

actually released at a press event with the President, where he stood with I think 30 teenagers from the Campaign for Tobacco Free Kids, and he noted the fact that the tobacco industry, in order to survive, has to attract these young people and how wrong it is for them to attract young people. And he has been pushing have very hard for tobacco legislation almost on a daily basis.

To suggest that somehow the President is not supportive of efforts to move a tobacco bill is simply not true.

What I think is going on here is that the Republican leadership is in the process of what I call a work slowdown. There are only about 40 legislative days left in the year in which the Republicans basically have clearly projected their intention to do nothing, and the tobacco bill could very easily be a victim of that. If we do not move something quickly to the Senate floor, out of committee in the House of Representatives, there will not be an opportunity this year to pass a strong anti-tobacco legislation.

With 3,000 kids a day getting hooked on cigarettes, Mr. Speaker, I think it is an awfully high price to pay. We need to move on tobacco legislation.

I know that myself and other Democrats are going to continue to press this until the Republican leadership agrees to move anti-tobacco legislation to address the tobacco settlement and to try to make it possible for us to address the growing problem now of teenage smoking.

#### NO EXCUSE FOR DELAY IN AID TO NAGORNO KARABAGH

Mr. PALLONE. Mr. Speaker, I would like to now move to a couple of foreign policy issues that I consider very important.

I often talk about Armenia and India because of my position as a cochairman, the Democratic chairman, of the India caucus and also the Armenia caucus; and there are two issues, one with regard to each country, that I would like to address.

With regard to Armenia and the separate Republic of Nagorno Karabagh, which is next to Armenia, I would like to address the need to expedite humanitarian assistance that has already been appropriated to Nagorno Karabagh.

Just by way of background, the Republic of Nagorno Karabagh is a region which has been populated by Armenians since ancient times and which is still an Armenian region known as Artsakh to the Armenian people, but which is claimed by the Republic of Azerbaijan as part of that country's territory.

As I have mentioned in this House on several occasions, the people of Karabagh fought, and won, a war of independence against Azerbaijan. A cease-fire has been in place since 1994, but it has been shaky at best.

The U.S. has been involved in the negotiations intended to pursue a just and lasting peace in this region but,

unfortunately, the United States' position has sided with Azerbaijan's claim of so-called territorial integrity, despite the fact that this land has been Armenian land for centuries and the borders which gave the land to Azerbaijan were imposed by the Soviet dictator Joseph Stalin.

Despite the ongoing pressures on Nagorno Karabagh, the people of that mountainous land have built a viable, democratic society. In February, they celebrated the 10th anniversary of the Karabagh movement, the galvanizing moment in the long history of the Armenian people.

But it has not been easy. The people of Karabagh are victims of a cruel and illegal blockade maintained by Azerbaijan. Karabagh's only connection to the outside world is via the Republic of Armenia, which is also the victim of blockades imposed by Azerbaijan and Turkey; and front-line Karabagh defense forces are constantly under attack from Azeri snipers violating the cease-fire, as I witnessed firsthand during my visit to the region just in January of this year.

The humanitarian and infrastructure needs of this area are severe, and I also witnessed that firsthand.

Now, last year, this Congress played an extremely positive and constructive role in helping the people of Karabagh. I want to praise the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations for providing for the first time direct aid to Karabagh in the amount of \$12.5 million for humanitarian assistance.

Unfortunately, Mr. Speaker, none of that aid has yet been provided to Karabagh, and that is why I am addressing the House tonight on this issue. I am very concerned that some elements in the administration have misinterpreted the clear intent of Congress that the aid is destined for the people of Karabagh and, instead, are suggesting some of the funds should be diverted to Azerbaijan.

I will be circulating a letter to Brian Atwood, the Administrator of USAID, the Agency for International Development, urging that the funds be provided immediately; and I am also demanding the entire \$12.5 million be provided to Karabagh as it was intended by Congress. I hope my colleagues will join me in this appeal as we go around and try to get co-signatures for this letter over the next few days.

It is true that USAID did send a need assessment team to Nagorno Karabagh earlier this year pursuant to the language in the Foreign Ops bill. While the team has reported its findings to Congress, we are still waiting for the aid to be provided.

Give us the aid. It needs to be provided. These people are hurting, and they need the help.

USAID officials have suggested that humanitarian aid will be committed in the near future; but, Mr. Speaker, I wanted to emphasize this aid was ap-

propriated by Congress last fall. So we are talking 6 months for humanitarian assistance that is desperately needed, and there is no excuse for this delay.

While working to get the aid that has already been appropriated to its intended recipients in Karabagh, I am also urging the Subcommittee on Foreign Operations, Export Financing and Related Programs this year to build upon its historic achievement in the fiscal year 1998 bill to earmark assistance to Nagorno Karabagh at \$20 million, an increase, and make it even more clear that aid is intended for disbursement within Nagorno Karabagh.

I also hope the subcommittee will consider broadening the scope of assistance to Karabagh to include the rebuilding and reconstruction of infrastructure damaged during the war. I know there are some true friends of Armenia on that subcommittee, and I am hopeful of support for these much-needed funds.

Mr. Speaker, let me say that, having twice visited this mountainous republic, I can attest that it is indeed a functioning society, a fact also attested to by members of the USAID team that visited Karabagh to conduct a needs assessment pursuant to this year's fiscal year 1998 bill.

Unfortunately, the State Department has apparently interpreted the provision of aid to the "victims of the Karabagh conflict", and they have interpreted this language of "victims of the Karabagh conflict", contrary to the intent of the House Subcommittee on Foreign Operations, Export Financing and Related Programs, as referring also to expanding existing funds for Azerbaijan's needy.

While I am concerned about the needy people of Azerbaijan, two things are important to point out: First, U.S. assistance is already being provided to Azerbaijan's needy through nongovernmental organizations, with tens of millions of American funds having been provided over the past few years. And, second, and I regret to say, the government of Azerbaijan has done very little to help the needy population in its rural areas, despite the huge revenues being generated for Baku for development of the Caspian Sea oil reserves. This is a fact that even our own State Department acknowledges.

Finally, Mr. Speaker, I wanted to again stress the importance of maintaining the current ban on government aids to Azerbaijan until that country lifts its blockade of Armenia and Karabagh. This ban was enacted as part of the Freedom Support Act of 1992, and it is a good law.

Now, Congress, unfortunately, is re-examining the issue of the prohibition on aid to Azerbaijan as part of an effort to enhance U.S. engagement in the region. While I am all for greater U.S. engagement in the Caucasus, we must not tinker with this provision. That is Section 907 of the Freedom Support Act.

Unfortunately, some in Congress, the administration and the oil industry are

looking to curry favor with Azerbaijan by lifting or at least easing the ban on aid to Azerbaijan. And for the ban on aid to be lifted, Azerbaijan need only lift the blockades of Armenia and Karabagh. Until then, there should not be any consideration of asking the United States taxpayers to support the dictatorship in Baku.

Again, Mr. Speaker, I feel very strongly about this matter, and I think we need to seriously address the fact that this aid has not been coming to Nagorno Karabagh and that, hopefully, if we continue to tell the State Department that they are not doing their job in providing the assistance, they will do so forthwith.

POSITIVE DEVELOPMENTS IN U.S.-INDIA  
RELATIONS

Mr. PALLONE. Lastly, this evening, Mr. Speaker, I had the opportunity today to visit in New York with the President of India. Some of my other colleagues were there, the gentleman from New York (Mr. ACKERMAN) and the gentleman from New York (Mr. MANTON). Each of us had the opportunity to talk for some time with the President, and I wanted to comment on his historic visit to New York.

He was there to receive an award, I believe at a reception this evening; and he also spent some time at the United Nations. But he, in my conversations with the President, was very optimistic about what has been happening in terms of India and U.S. relations. And those of us who are members of the India caucus, again which I mentioned that I co-chair, are very pleased because we see more and more positive developments in terms of U.S.-India relations.

□ 1945

Just to mention a few things, just a few weeks ago, one of our former colleagues who is now the U.N. Ambassador, Bill Richardson, visited India along with Rick Inderfurth, who is the Assistant Secretary of State for South Asia, and also some other U.S. officials as part of the first delegation that the President sent to India since the new government was formed just about a month ago. And that trip I commented on last week was a very good trip because it really enhanced good feeling, if you will, between other two countries.

But one of the things that the President of India said today that was very good about the trip or that he appreciated about this trip by Bill Richardson was the fact that the U.S. representatives, including Ambassador Richardson, viewed India independently from the other South Asian countries. In other words, in the past, India has felt that U.S. foreign policy looks at India vis-a-vis Pakistan or vis-a-vis Bangladesh or some of its other South Asian neighbors and does not see it as its own country with its own place, if you will, an important place in world affairs. And that clearly has changed.

When Ambassador Bill Richardson went to India, he made it quite clear

that India is a priority of U.S. foreign policy, and it is a priority viewed independently, if you will, because of India's own status in world affairs.

Now, that is not to say that Ambassador Richardson and the others during this visit did not want to increase the dialogue between India and its neighbors in South Asia. Quite the contrary. They stressed during the trip, and the media reported the fact, that they stressed the need for India and Pakistan to resume their dialogue and try to improve their relations. And in fact, today when I spoke to the President of India, he was very optimistic that that indeed would happen, that sometime in the next few weeks or the next few months that the two Prime Ministers of India and Pakistan would meet at the Prime Minister level possibly, at the trade meeting of the SAARC group in July, or maybe even sooner than that, and that this dialogue between the two countries to try to reduce tension and bring not only Pakistan and India but all the countries of South Asia together again economically, politically and maybe even eventually militarily, that this dialogue would continue. So that was a very optimistic aspect of my conversation today with the President that I wanted to mention to my colleagues this evening.

The other thing that the President of India stressed at the meeting today was the need for U.S. support for India to become a permanent member of the U.N. Security Council. Obviously, a big part of his trip today to New York related to the United Nations, and the United Nations is a focal point of India's efforts these days to become a permanent member of the Security Council.

Myself and a number of other members of our India caucus have, in fact, sponsored a House resolution where we express the sense of this Congress that India should be a permanent member of the Security Council, and we are hoping that eventually we can get that resolution passed, but we are also hopeful that the State Department will eventually come around to that point of view.

Again, the President of India was appreciative of the fact that the United States is pushing for an expanded Security Council, but he would like to see the U.S. directly support India's bid for a seat, as would I.

The last thing I wanted to mention in this regard is that when I spoke to India's President today, he was also very much of the vein, and I certainly agree, and I think it has been shown in the last 2 weeks as well, that the trade and business and investment relationship between our two countries, between India and the United States, is also going to move progressively forward.

There was some concern, I think, on the part of American businesspeople that with the new government, the BJP government as we call it, that they might not be as willing to move

forward to encourage U.S. investment and more trade or might put up some barriers to U.S. articles, certain U.S. materials or articles coming into India. But that has sort of been put to rest in the last 2 weeks.

India's Finance Minister was in Washington just a short time ago, and he made it quite clear that the new government wants to move forward in terms of U.S. investment, particularly in infrastructure, that the market reforms would continue, that privatization would continue. And I mentioned to the President of India today that this was very important to the United States, and he was of the opinion that we had nowhere to go but forward in terms of increasing our trade and business relationships.

So once again, I just wanted to say in conclusion this evening that what has been happening since the new government was elected in India in March has been very positive in terms of U.S. relations. I believe very strongly that the United States needs to think of India as a priority of its foreign policy and that we need to expand business and trade opportunities with India and basically have our countries work together in almost every area, whether it is political, diplomatic, economic, or even military. And I think we are clearly moving in that direction in terms of the developments that have taken place in the last month between our two countries.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3717, TO PROHIBIT THE EXPENDITURE OF FEDERAL FUNDS FOR THE DISTRIBUTION OF NEEDLES OR SYRINGES FOR THE HYPODERMIC INJECTION OF ILLEGAL DRUGS

Mr. HASTINGS of Washington (during the Special order of Mr. OWENS), from the Committee on Rules, submitted a privileged report (Rept. No. 105-497) on the resolution (H. Res. 409) providing for consideration of the bill (H.R. 3717) to prohibit the expenditure of Federal funds for the distribution of needles or syringes for the hypodermic injection of illegal drugs, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3546, THE NATIONAL DIALOGUE ON SOCIAL SECURITY ACT OF 1998

Mr. HASTINGS of Washington (during the Special order of Mr. OWENS), from the Committee on Rules, submitted a privileged report (Rept. No. 105-498) on the resolution (H. Res. 410) providing for consideration of the bill (H.R. 3546) to provide for a national dialogue on Social Security and to establish the Bipartisan Panel to Design Long-Range Social Security Reform, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6, HIGHER EDUCATION AMENDMENTS OF 1998

Mr. HASTINGS of Washington (during the Special order of Mr. OWENS), from the Committee on Rules, submitted a privileged report (Rept. No. 105-499) on the resolution (H. Res. 411) providing for consideration of the bill (H.R. 6) to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HIGHER EDUCATION ASSISTANCE ACT

The SPEAKER pro tempore (Mr. DEAL of Georgia). Under the Speaker's announced policy of January 7, 1997, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, today is April 28. Tomorrow will be April 29. A major event will take place on the floor of the House of Representatives.

Tomorrow we shall begin the consideration of the Higher Education Assistance Act, the reauthorization of the Higher Education Assistance Act. I think that I would like to proclaim to the American people, to the public, to everybody who cares in this Nation, that this is no small event.

Reauthorization of the Higher Education Assistance Act is a major event. We only do it once every 5 years. And the role of the Federal Government in higher education has been no small one. It is very important. In fact, it is quite unfortunate that there has been so little discussion and so little debate up to this point. We should have had more dialogue, more interaction with the people who are involved, students, faculties, presidents of colleges. It has been a very quiet reauthorization process.

I have been here now for 16 years, and this is the third reauthorization I have gone through, and I have never seen it so quiet. It is part of the process that has been forced upon us by the leadership, the Republican majority leadership here in the House, that everything is kept at a low profile, everything important is kept at a very low profile.

This session, this second year of the 105th Congress, the art of forcing the low profile, the art of forcing a low visibility for important issues has been perfected. Never before have we been in a session where we have had as many recesses as we have had this year, as short a workweek as we have had this year.

A decision was made by the ruling Republican majority that the less visibility this Congress had, the less the people of the United States see their Legislature at work, the better. So we have minimized a very important discussion on education, as we minimize all discussions. We are in a situation now where we have not even passed a

budget. And I suppose one is being prepared in secret like everything else. It is a process where most things go on behind closed doors, and very little participation is encouraged.

In the case of the Higher Education Assistance Act, I found it very difficult as a member of the committee, I am a member of the Committee on Education and the Workforce, and I found it difficult to find out how things were moving as the preparation of this very important piece of legislation took place at the committee level. I have heard my colleagues in other committees complain about the same process. Even the Members of Congress are not invited to participate. We have to sort of force our way into the dialogue. Therefore, it is not surprising that the same ruling majority here does not provide opportunities for the public to know very much about what is going on, the voters.

I suppose this is a result of what happened in the 104th Congress in terms of a very well-publicized, highly visible agenda in the form of the Contract with America. We had maximum debate. The Democratic Minority had a chance to answer the proposals put forth by the Republican majority. We had out on the table the intentions of the Republican party, especially in the area of education. They clearly had intentions that were in confrontation with the majority of the American people. They wanted to abolish the Department of Education. They wanted to drastically cut certain education programs, even cut Head Start, school lunches.

It was a situation where we appreciated the honesty of the majority. The majority was honest. They put their cards on the table; and the American people, in their wisdom, rejected them. They knew that these ideas had been rejected as we approached the election date in November of 1996. They knew that with respect to education, they had miscalculated, and they ran very fast and used their power to make amends.

At the last minute during the appropriations process, the Republican majority increased the budget for education programs by \$4 billion. Whereas they had been threatening to cut as much as \$4 billion in the previous year in 1995, in 1996 they increased it by the same amount, \$4 billion increase, instead of a cut. So they understood, they understood through the focus groups, they understood through the public opinion polls all of the barometers that we use to measure opinions and to determine where the voters are. They understood that the common-sense wisdom of the American people was not with them.

Education is a high priority, and anyone who threatens to abolish the Department of Education and greatly cripple the involvement of the Federal Government in education matters has to pay the price for that kind of position. Fortunately for them, and unfor-

tunate for the Democratic Minority, they changed radically at the last minute, and they went out, after giving us a \$4 billion increase in education, they went out as the friends of education, as the champions of education.

Unfortunately, in this 105th Congress, that is not the case. The kind of last-minute conversion did not carry over. We are back to business as usual when it comes to the Republican majority. First of all, they have the old proposals for school vouchers and privatization of education on the table with greater gusto than ever before. Block granting and vouchers and all of those old items that did not sit well with the American people in the last Congress have been resurrected. We do not hear any more of the talk of the abolishment of the Department of Education. The extremism is not there anymore. They do not put it out on the table.

If they feel the Department of Education should be abolished, then that is a covert matter; they do not talk about it in public. If they feel that Head Start should be cut, that is a covert matter.

They actually have been very civil in this process of reauthorizing the Higher Education Assistance Act. The Higher Education Assistance Act has come forward. It will go to the floor tomorrow from the committee. And the Republican majority on that committee is to be commended, I suppose, for not proposing any drastic cuts. There are no drastic cuts in the previous higher education programs.

We should rejoice. We should applaud this. Let us give credit where credit is due. The jackals of the 104th Congress that wanted to cut everything have left, basically, higher education assistance alone. We should be rejoicing. And I do rejoice.

On the other hand, as I said, on the occasion of the markup of this important piece of legislation, it is most unfortunate that given the fact that we reauthorize higher education assistance acts only once every 5 years, in a 5-year period, whatever we legislate tomorrow, whatever comes out of our House tomorrow and goes to the Senate and conference and signed by the President, that will be in effect for 5 years.

□ 2000

It is unfortunate that a bill which is going to carry us through the next 5 years into the 21st century and beyond is really a status quo bill. We can applaud the fact that they did not cut anything, we can applaud the fact that there was no attempt to roll back history, but we cannot applaud the fact that there are no innovations in the bill tomorrow, there is nothing new, there is nothing that looks at the 21st century and says that our thrust should be different, our commitment to higher education should be enhanced, we should meet some of the problems that have surfaced and are clear on the



horizon, we should meet these problems in this Higher Education Assistance Act or project a way to begin to deal with them. This is a status quo bill.

I complained at the level of the committee and I will complain again tomorrow that it is most unfortunate that at a time when we are enjoying the greatest prosperity the Nation probably has ever known, at a time when there is no war to absorb resources, at a time when the window of opportunity is wide open, we cannot come up with some more creative and imaginative proposals as to how we are going to proceed to educate the population. We have a lot of problems below the level of high school graduation. But certainly we have always committed ourselves and always been praised by for the fact that higher education in America is exceptional. We are ahead of most of the industrialized nations when they begin to make comparisons between the higher education systems among the countries. Not so with our elementary and secondary school systems. But at a time like this when we are ahead and it is clear that our higher education system has played a major role in our ability to quickly take advantage of the scientific revolution and to apply science and technology in many areas of life, including, of course, in the military area where the American people invested billions and billions of dollars in the military research and development, a situation which is very relevant because right now the kind of prosperity we are enjoying is partially fueled and pushed by the revolution in information technology. The companies that are newest and making the greatest amount of money on Wall Street are information technology companies, Intel, Microsoft, you name it, the newest companies, by the way who are not dependent on defense contracts or government contracts, they are all information technology related. That information technology that they have chosen to make great profits off of did not happen overnight and it did not happen by magic. It did not come directly from God. Everything comes from God indirectly but it did not come as a natural resource. It is not like an oil well, striking it rich with a diamond mine or a gold mine. Information technology and the state of the art right now is a direct result of the investment of the American people in great amounts of research and development for military purposes.

Information technology was really developed by the American people through their military services seeking ways to accomplish the jobs that they have to accomplish. The Internet was created by the American military forces. The Internet was created to assist and aid and speed up the exchange of information throughout the world, scientific information. The Internet is the creation of the American people through their military services. Something called the Defense Technical In-

formation Center, another way for saying the world's greatest system of libraries, was created by the Defense Department. One of the by-products of that tremendous system for research and for development was the Internet. We are the beneficiaries of a system which was produced and financed by the American people which was conceived and operated and all the details have been put in place by American science and technology. Yes, we might have had some foreign scientists participate, we will not take that away from them, but basically the technicians and the scientists, the theoreticians and the philosophers who put this great technological revolution together in terms of information technology were products of our education system, mainly our higher education system, our higher education system which is still like all other higher education systems in the world basically an elitist system. Only a small percentage of people go to college. Only a small percentage of people totally still enjoy higher education opportunities throughout the world. That group and what they do and how they do it is critical to the advancement of our society and the continued prosperity that we enjoy. So if we are authorizing a piece of legislation called the Higher Education Assistance Act, then we ought to look at it in terms of this is a critical piece of legislation which will have a great impact on what we are doing in the future, how can we make this a better piece of legislation.

My first concern was that the legislation did not take advantage of an opportunity to increase greatly the amount of opportunities for Americans to go to college. The opportunities need to be increased for many reasons. We need more educated people. It is clear that there is a correlation between the number of educated people and our progress. If that is the case, then there should not be any question about having more people who have college education or higher education opportunities. Maybe some of them will only go to community colleges for 2 years but the principle of the value added, education adds value to everybody who participates, higher education adds very extensive, very great value to anybody who participates in higher education. A person coming out of a higher education institution is going to earn income and really pay back the investment that society has made in them. The person who comes out of a higher education institution is definitely not going to be dependent on subsidies. They will contribute to the process instead of absorbing any resources. We know all of this. It should not be difficult to conceive of the necessity of increasing the number. However, there are some people who balk at the idea that we need more college graduates and we need more college students. There is some notion that always runs throughout deliberations about higher education that, hey, you

may get too many educated people and if you get too many educated people, you will drive down the standards and the salaries and the quality of life of the people who are educated. That has been a stream running through decision-making in America for a long time. It is not new. Fifty or 75 years ago they were talking about the possibility of having too many educated people, but it has never happened. We have never yet reached a point where we have too many educated people. People with college degrees may have some difficulty in the job market nowadays or they may have always had some difficulty, but generally they land on their feet, and generally people with college degrees do not end up being dependent on society. It is true now, it was true 25 years ago, it is going to be true in the year 2010.

Right now we are seeing an explosion of the need for people in the information technology sector. Information technology involves work with telecommunications apparatus, computers. It involves a lot of things which require higher education. Most people do not know it, but it also requires imagination, it also requires people who have some conception of spatial relationships, not just in terms of engineering but also in terms of artistic presentations. If you look at Web sites and you look at the kind of things that they are doing with Web sites, you know that these are not just mathematicians, these are not just physical scientists. The successful Web sites are being generated by people with imagination. They have imagination, they have some background beyond math and science or they are working in teams, so a person who is in drama and who is in art illustration or in just social science, understanding psychology of people, they may be on a team of people, some of whom have math and physics backgrounds, to produce what has to be produced in terms of software or in terms of Web sites, et cetera. We do not know, we cannot pick exactly who is going to be most successful in this area. But we should assume that all education can be fitted in somewhere. The psychologist may be as valuable as the physicist. We should have as much education as possible across the whole spectrum. We understood that briefly when the Russians outpaced us in space. The Russians put up Sputnik and began to put up one space rocket and one space satellite after another. We went to work in this country to deal with the fact that you can only compete in that arena if you have more and more people in the area of science. They did not all have to be geniuses and Einsteins. Some were theoretical scientists, some were applied scientists, some were technicians and technologists, some were good mechanics. The entire array of people needed to produce the kind of military hardware and the military processes that matched the Soviet Union and eventually made it spend itself to death in the

area of military technology, that was produced through the education process. We understood it then.

We are facing now a situation where there is a survey that tells us that information technology workers are in great shortage. This new revolution, these information technology companies that are producing such great profits on the stock market, these are the places where we have vacancies appearing at a great rate. There is some debate about it but some pretty thorough and credible surveys have been done which shows we are talking about 300,000 people in this area right now who are needed and are not there, 300,000 vacancies exist out there now. That will only get worse, because the reading of the survey of where students are in college, how many are majoring in the appropriate fields, generally what the education pool is in our colleges and universities, that survey leads the information technology experts to project that you may have a million vacancies 5 or 6 years from now trying to cope with an expanded enterprise, not only in business. Right now the great investment is in business. Profit-making businesses want to be on top of the latest technology, information technology. The state of the art is always being sought by these profit-making businesses that have lots and lots of money to spend because they are making great amounts of profit, so the money is being spent now in the business arena. They have not even started yet to really apply information technology en masse to higher education institutions, and further down the public schools which the President, President Clinton and Vice President Gore certainly have seen the vision to include in this information technology revolution. The public schools are way, way down the chain. Even in some places like California where they led the country in showing us how to get schools wired using volunteers and put schools on the Internet, even there we are talking about a situation where every school that was wired by volunteers on a Saturday afternoon, we called them wired if they wired the library and five classrooms. The library and five classrooms was the extent of the wiring. There is a lot more to be done even in the places where we have been most successful. But in my hometown, New York City, and home State, the big cities in New York have nothing close to anything like 10 percent of the schools wired. We have a project going in our area where it has taken us almost 2 years to get 22 schools wired using our volunteers on Saturday. Even with the cooperation of the Board of Education, Bell Atlantic and a lot of private sector people have participated, it is a slow process. Of course in the suburbs surrounding New York City, they have dealt with the process. They have not depended on volunteers. They have wired their schools. They have state of the art media in some of those places. Where the largest number

of poor people go to school in the inner cities, we are way behind.

In this Higher Education Assistance Act, my point is we have not taken into full consideration the fact that right now there are tremendous amounts of vacancies in the information technology sector, 300,000 vacancies right now, and a projection that there will be many more, these people have to go through higher education even if it is only 2 years of college in many cases. We have not taken that into consideration. Just to meet that need, we should have special programs in colleges and universities at increasing the number of students in the pool.

□ 2015

We have to replenish the number of doctors and lawyers and MBAs. You know, there is a whole society demanding more and more educated people. One of our biggest exports is not goods but services, the services supplied by experts, and these are experts that come out of our colleges and universities that export services around the world. There will be a more greater demand for services from highly educated people in the future.

Mr. Speaker, let me just recapitulate. I do not want anybody to get lost. I am talking about the fact that there is a great demand for people with higher education, and the demand will increase, and we should have taken that into consideration when we considered this Higher Education Assistance Act.

The act that we will be considering tomorrow on the floor of the House is a status quo bill. It maintains things pretty much as they are. And while we applaud the fact that there are no drastic cuts, it is unfortunate that we have not taken advantage of a window of opportunity to go forward and deal with needs that are obvious in our work force.

I also complained about the fact that, at the time that we considered this bill in our committee, about the fact that the great debate right now with respect to affirmative action and the problem of trying to provide diversity on higher education campuses by taking into consideration certain matters that go beyond just the scores on the SATs and the averages in courses in high school and that great debate, which is escalating, and certainly in California, has led to some real disasters in terms of the policy changes made by the board of regents of California.

You have a drastic reduction in the number of Hispanics and African American students who are in the higher education freshman class. You have an even more drastic reduction in the higher education graduate institutions. Texas has had a similar problem, and across the country there are more discussions and referendums and policy changes now in process with respect to ending efforts to promote diversity by considering the ethnicity of a particular student and the need to achieve balance in the student body.

If we are going to go that route, and there are people who argue that affirmative action is not good, but if we have proposals and programs that seek to provide more help for people who are disadvantaged, people who need help because they are poor, well, that is across the board. You know, consider race. You do not consider ethnicity, you just consider the fact that they are disadvantaged, they need help, that that is the way to go.

I have heard proponents of ending affirmative action. The people want very much to end affirmative action, including the Speaker of the House. They argue that we do not want any consideration on the basis of ethnicity. Let us forget about the 232 years of slavery and the descendants of slavery who did not have a chance to accumulate any wealth, and if you did not have a chance to accumulate any wealth, the whole family structure and the whole supportive atmosphere that breeds, that creates, middle-class people who are more successful in the formal education structure, forget about that they said.

Let us just consider everybody equal and take care of those who happen to be unfortunate economically all across the board so that white poor and the African American poor and the Hispanic poor are all treated equally.

I do not concede that affirmative action is not important. I do not concede you should forget about 232 years of slavery and the impact of that on the descendants of slaves, the impact of a hundred and some years of oppression as second-class citizens that followed the Emancipation Proclamation and the 13th, 14th and 15th amendments. I do not concede that, but let us for a moment lay it aside. Let us consider the arguments that are made by these people who want to get rid of affirmative action. They say they are ready to be fair to everybody.

If you are honest about that assertion, then you will create more opportunities. We should be considering how the Education Act, which had a tremendous increase in the amount of money available in order to create more opportunity for more people regardless of their race, creed or color.

We should have the Pell grants greatly increased. They are increased somewhat, but the Pell grants should be greatly increased in terms of the number of people covered. The amount for Pell grants, the number of people covered should be greatly increased.

We should have great increases in all of the loan programs, in the TRIO programs and every program that is designed to promote higher education. Because we should anticipate a great increase in the number of students coming in who have been denied an opportunity because of the fact that they are poor.

That requires money, that requires appropriations and commitments. In the authorization of this bill, we have not dealt with that.

Oh, yes, there is a lot of money involved here, but it is status quo, you know. It is taking into consideration the fact that we are throwing out affirmative action programs and, therefore, the affirmative action programs ought to be replaced with greater opportunity programs. There should be more opportunity programs.

You know, consider the constellation that we are dealing with here. In America now, there are roughly about 15 million students in college and universities, 15 million students in colleges and universities. That includes the community colleges and senior colleges. In America right now, there are about 3,688 institutions of higher learning, community colleges, senior colleges, et cetera.

Right now, the expenditures of the State and local governments for higher education is approximately \$89 billion per year. These may seem like big numbers, but the cost, the amount we are spending per student in our public institutions supported by State and local governments and by the Federal Government, the Federal Government expenditure I think is around \$38 billion for cash, programs receiving cash directly, and another \$40 billion if all the tax credits and various new programs that have been established are utilized.

You are talking about \$38 billion, \$40 billion. That is a lot of money, a lot of commitment. \$38 billion, \$40 billion, you know you are talking about nearly \$80 billion of federal assistance, \$89 billion is expended by State and local governments. I suppose that comes to, you know, \$169 billion, a lot of money.

But what is our defense budget? How much money do we spend on defense? It is way, way up there at \$200 billion, almost \$300 billion. Combined events in intelligence, you are talking about \$300 billion on defense and intelligence.

So you can only compare. These figures will drown you. You will get lost quickly if you do not make comparisons. You can only compare, determine the value of what is being spent and get some perspective if you look at what modern costs are in other areas. What are we spending in defense? Close to \$300 billion. \$89 billion at the State and local level for higher education and another \$80 billion probably at the Federal level.

It seems like a lot of money, but in terms of modern costs it is not a very great expenditure.

How much does the cigarette industry make in billions of dollars per year? I mean, in terms of modern costs, our commitment to higher education is, I assure you, nothing staggering.

City University in New York, City University of New York, which probably has one of the best bargains in education, we educate students in City University for less than \$20,000 per year. I think that the recent budget cuts, they have had steady budget cuts for the last 20 years. This is a university that has been squeezed and pushed

and manipulated and very badly treated by the people who appropriate funds over the last 20, 25 years.

City University, the cost of educating one student is about \$20,000, and you might say \$20,000 per year to educate a student. Well, Harvard and Yale is the Ivy League. Students are above \$30,000 and climbing, and you might say those are large amounts of money, but compared to what?

The taxpayers of America spend \$120,000 per student to educate students who go to West Point. Let me repeat that figure so you will understand what I said, and I had it checked and double checked, and this is not the military training. Military training takes it up to the \$200,000 range. Just the academic training of every student that goes to West Point costs the taxpayers of America \$120,000.

Now get the perspective in place. I would say that we are spending much too much to educate a student at West Point, but I would say at the same time we are spending much too little to educate a student at City University, or maybe it is not relevant unless you look at how the money is being spent.

City University has 200,000 students. You know, the economies of scale would allow you to do things cheaper, but City University also has students jammed into classrooms and college classes with 40 and 45 students; you know, are not conducive to learning.

City University has an antiquated infrastructure. Only recently, last 10 years, did some of the colleges get phones, push-button phones. You know they had rotary phones. In many cases the buildings have, the academic buildings, have only a few phones, let alone lines that could connect computers to the Internet.

The higher education establishments and City University are way, way behind the state-of-the-art higher education institutions in respect to computers and information technology. They need a great infusion of capital just for that purpose.

I am not saying that New York State and New York City should spend \$120,000 per student as they do at West Point. But I think that, instead of the present rage that is being promoted by certain editorials in certain papers and certain of our political figures, the rage against City University for trying to educate too many students and having too much remediation and needing to raise its standards by locking out large numbers of students from the opportunity in higher education provides all of that is going in the direction which is counter to where we ought to be going as we move toward the 21st century.

So I want to reemphasize the fact that it is probably one of the most important bills that we consider in this Congress. The Higher Education Assistance Act that we will be considering tomorrow is probably one of the most important bills that we will consider. We only do it once every 5 years.

There are very real problems out there related to affirmative action and the way opportunities for higher education are being cut off, smothered in our various States, the Hopwood decision in Texas and the City University of New York.

If they end remediation, they would be accomplishing what California has accomplished through a back-door means. They do not talk about affirmative action, but it is large numbers of poor students, beginning with the poor students who are African American, the poor students who are Hispanic, but large numbers of white students also who are poor will be cut out of the opportunity to go to a higher education institution, that kind of opportunity provided by City University.

□ 2030

At a time when we ought to be considering how to have more of a pool of people upon which we can draw to meet the challenges of the 21st century, we are going in the opposite direction. There are some midget minds at work; there are some timid spirits that are moving things, and people that have power do not have any vision about where we are going.

Governor Rockefeller, who was a Republican, laid out a vision for the university systems of New York's SUNY and CUNY, which catapulted them into a whole new stratosphere in terms of the kind of activities they are involved in now. Now we are under a Republican Governor going in the opposite direction in terms of that vision and understanding of the role of higher education at a time when we should be going in the opposite direction.

Consider the history of higher education in this country. Consider the fact that if we had not had visionaries who understood the importance of education in the overall achievement of prosperity in this country, in the establishment of circumstances which would allow our people to pursue happiness, if that vision had not been there, we would be in serious trouble. We do not realize how much education and the initiatives taken by a few legislators, people in power, has meant over the years.

First, Thomas Jefferson and the University of Virginia. It probably did not become the model he wanted it to become, but it certainly planted the seed at the University of Virginia as a State institution and as one of the first of its kind in terms of being established and run with public funds, not being burdened with the necessity to heavily weight its courses, courses related to theology and philosophy, et cetera. There is nothing wrong with theology and philosophy, but the mission of the University of Virginia was to learn everything that they could learn about everything that was useful. Maybe it did not achieve that, but it planted a seed.

A man named Justice Smith Morrill, M-O-R-R-I-L-L, the Morrill Act, people

who have tossed off that term, the Morrill Act, the land grant colleges, Justice Smith Morrill was a Congressman from Vermont, first as a Member of the House of Representatives, and then he became a Senator in 1862. He was here during the period of the Civil War and the period shortly after the Civil War. He served in the Senate until 1898, and he came forward several times with proposals to establish institutions that would go beyond the usual parameters of education at that time, the agricultural and the mechanical colleges which would deal with a scientific approach to farming, a scientific approach to the practical matters of our Nation, and eventually Morrill was able to prevail, and we established land grant colleges in every State in the Union.

The land grant colleges came out of the Morrill Act. It was later on improved and doctored by other actions by Congress, but the whole conception that the government should participate in the process of educating the population was institutionalized in the Morrill Act and the land grant colleges that flowed from that action.

The kind of education provided by the land grant colleges proved to be the greatest thing that ever happened to America in terms of the production of people who understood how to apply learning and knowledge and science to farming, to engineering, and a whole core of people were created who moved us forward. In the area of agriculture in particular, they moved us forward in a way that no other industrial power, none of the leading nations in the world, have ever been able to match. We are way ahead in terms of production of food at low cost for the population as a result of the Morrill Act and the land grant colleges.

Mr. Speaker, we need that kind of vision now. We need an innovation, an initiative now which would match the Morrill Act initiative. It has to go in a different direction, but it is not so different. Information technology alone offers a challenge just to move so that our colleges and universities are the premier agents for the development of the human capital. Information technology demands human capital. We do not have to have oil or gold or natural resources, coal, but we must have human beings who have been very well-educated. We should have some initiative which understands that and applies it across the board to all of our institutions of higher learning so that they can begin in a systematic way to meet the needs.

Mr. Speaker, we had another innovation that took place in 1944. The GI Bill, which established the right for every returning GI, every veteran of World War II, to receive an education, was signed first by Franklin D. Roosevelt on June 22nd, 1944, called the Serviceman's Readjustment Act of 1944. During the past five decades the law has made possible the investment of billions of dollars in education and

training for millions of veterans. The Nation has in return earned many times its investment in increased taxes and a dramatically changed society. The law also made possible the loan of billions of dollars to purchase homes for millions of veterans and helped transform the majority of Americans from renters to homeowners.

But the education part of it, the fact that returning veterans were able to go into colleges and universities and come out with the kind of training and know-how put us in a position after World War II to mount the kind of industrial revolution that we have now, the information technology revolution, the research and development revolution, and the military which led the way, allowed us to bring the competing Soviet empire to its knees. All of that could not have happened if we had not had a Morrill Act, a GI Bill of Rights, and the subsequent opportunities that that provided.

The American Legion is credited with designing the main features of the GI Bill. These ideas are not radical, they are part of a consensus that has been developed in America, and Republicans and Democrats have participated. The American Legion is credited with designing the main features of the GI Bill and pushing it through Congress. The Legion overcame objections that the proposed bill was too sweeping and could jeopardize veterans getting help at all. At the time Congress had already failed to act on about 640 bills concerning veterans.

Members of the American Legion met first in Washington on December 15, 1943, and by January 6 had completed the first draft of the GI Bill, and on and on the story goes. The bill was another one of those landmarks in American history that produced a great leap forward, a great leap forward in our society. The GI Bill, the Morrill Act, they are the kinds of actions that have propelled us forward, and they ought to be celebrated and understood.

It is a pity that at a time like this, when probably the Members of Congress are better educated than ever before and understand more about the dynamics of our society and the need for some kind of comprehensive approach to where we are going in the next century, it is a pity that those forces are all, for the moment, either paralyzed or oppressed or lulled to sleep or blocked, and that we have the Higher Education Assistance Act which makes no great steps forward.

This Higher Education Assistance Act, as I said before, is at least not a bill that is going to take us backwards, but it really is pathetic in terms of its understanding of the need for the next 5 years as we go into the 21st century.

The bill that we will be considering on the floor tomorrow reauthorizes Federal student loans, Pell grants and other student financial aid programs for 5 years. It resolves a controversy over cutting interest rates on student

loans, which took us a lot of time. Banks were accused of trying to make a killing off student loans, and that was resolved.

Pell grants in this bill, the bill authorizes an increase in the maximum Pell grant award. It stands at \$3,000 in the current academic year, and it will go to \$4,500 in the year 1999-2000 academic year. It is a slow, incremental set of increases, not keeping pace with the cost of living, but at least nobody proposed that we cut it out or back. It authorizes annual increases of \$200 until the 2003-2004 academic year when the authorized maximum amount would be up to \$5,300. So it is an incremental movement forward in the area of student aid, which is the hallmark of the bill in terms of providing opportunity for the poor, the Pell grants.

The bill makes a number of changes to the formula used to calculate how much financial aid students receive. The bill denies Federal student aid to those convicted or possessing or selling illegal drugs, an amendment which had a great deal of discussion. I do not approve of cutting off opportunity for young people so early in life. There is one factor that must always be considered is that children are children. They are not adults. The aging process, anybody who is as old as I am, I am almost 62, one understands that one just could not know at age 18 or 20 or 22 what one knows later on. One cannot make the same judgments. And practically every young person is in danger of at some vulnerable moment making a mistake of some kind that is quite serious, but we should not set up situations where that mistake becomes a trap that is eternal for that person. Not to be able to get a college education because one made a mistake is a little too harsh, but that is part of the legislation at this point. Of course, I think it will be debated on the floor to some extent, but the majority has prevailed thus far on that matter.

It has many other good features before I talk about the negative. It does have loan forgiveness for people who teach in low-income communities; it does have a number of features that are improvements, slight improvements over what was there before. There is a provision related to the whole matter of affirmative action that will be on the floor tomorrow. Again, we will have to debate this whole matter of no efforts whatsoever can be made to diversify campuses, and we will have to deal with the fact that more stringent national standards will be applied; there will be an attempt to apply stringent national standards that are similar to the California anti-affirmative action program.

Of the amendments that have been noticed, there will be an amendment offered by the gentleman from California (Mr. RIGGS), an amendment to prohibit any institution of higher education that participates in any higher education program from discriminating against or granting preferential

treatment to any person or group in admissions based on, in whole or in part, on race, sex, color, ethnicity or national origin. The amendment exempts from its ban any private institution of undergraduate higher education that traditionally and continually from its establishment admitted students to schools on the basis of sex. The amendment also specifies that it does not prohibit or limit any institution from encouraging or recruiting qualified women and minorities from seeking admission, provided that such recruitment and encouragement does not involve granting preferential treatment in selecting any person for admission based, in whole or in part, on race, sex, color, ethnicity or national origin.

This is an amendment which, in very nice language, coats the fact that what it is saying is that we do not want any effort to encourage and promote diversity on a campus. The world is diverse. The United States is diverse. The number of people who are minorities, the proportion keeps increasing. To have diversity on campus, of course, is only to have students live on campus in a world that is very similar to the world outside. But this language, however civil it may seem on paper, seeks to wipe all of that out in one stroke. It would do what the University of California has done across the Nation. Because practically every higher education institution does receive some Federal funds, every higher education institution would have its hands tied in terms of promotion of diversity through its own affirmative action programs.

□ 2045

So the Riggs amendment will be debated, and I hope that we will prevail and not have the Federal Government participate in the blocking of opportunities for large numbers of deserving students who need to go to college.

Unfortunately, as a New York City resident, a New York State resident, I will be participating in the argument knowing fully well that an effort is being made in my own city and my own State to accomplish the same action, to accomplish the same ends through the back door. We are going to close off opportunity to large numbers of people.

And whereas I started by saying this Higher Education Assistance Act fails to increase opportunity by increasing the amount of funds and resources available so that poor people, no matter what color, race or creed they may be, will be able to take advantage of the higher education process, we do not have that. Yet we are going to have to debate an attempt to throttle even further that which exists already.

At City University of New York proposals are being made that they raise the standards of the senior colleges using SAT scores and cut off the admission of large numbers of students who cannot measure up to those SAT scores, although they are graduates of

the schools in New York City. They also want to greatly reduce the amount of remediation done in the senior colleges and in the community colleges, two-year colleges. What this will do, if we reduce remediation, if we require students to make remediation before they enter college, we will greatly reduce the number of students because remediation is needed by large numbers of students. Eighty percent of the students have some form of remediation that they participated in during the course of their time in college.

Remediation are courses in effect across the country. Most colleges and universities have some remediation programs. What we have learned about the human mind and the learning process ought to tell us that remediation is a natural thing to have in higher education, because genius and talent is not comprehensive. It is not across the board that every student who is very good in English is also going to be good in math; those who are good in science are also going to be good in foreign languages. Remediation helps to balance out a process that nature has started, and we only rule out genius if we start insisting that remediation courses should be eliminated.

Mr. Speaker, I made the following statement, and I want to close with this statement. I did want to talk a bit about one other amendment that we will have on the floor tomorrow connected with information technology, the need for information technology workers.

I will have an amendment to provide for information technology partnerships between colleges and community-based agencies in order to provide more opportunities for young people to get exposure to computers and be able to determine whether or not they want to go into computer technology. They will have a chance to practice and a chance to get excited by it, and then apply it to a community college and a college to go into a program. The college would run these local centers where students would have these opportunities.

Mr. Speaker, I just want to close with my statement before the City University Board of Trustees. I thanked them for the opportunity to testify and then I mentioned that all over the world the education of masses of youth emerging from educationally deprived backgrounds is a vital challenge to the process of building a new global society with abundant supplies of indigenous leadership. If we meet this challenge of educating those who arrive in our college classrooms with inadequate preparation in the City of New York, in the City University, if we can take freshmen from impoverished backgrounds with enormous skills deficits but who have normal brains and great potential, if we can take this kind of raw material and create productive and independent citizens able to take care of themselves and also serve as leaders, if we can seize the sit-

uation which we presently confront, then we will have a system that produces a priceless global product.

Using this method, the methods established in New York, with our great and enormously diverse population, we will have developed a blueprint, a model for higher education which would be applicable anywhere in the world. The world market for such a service is almost unlimited. It would be a product of highest value. In other words, the challenge is to take the people who have the deficits educationally for whatever reason. The New York City public schools are inadequate now and they have gotten worse over the last 10 years, so students with good brains and great potential may have skills deficits, and the only way to deal with those skills deficits is when they get to college.

What is happening in New York City is a tragedy, however. At a pivotal point in the life of the city, as we approach the dawn of the 21st century, there are confused but powerful forces in the city which are turning a time for triumph into a time for tears.

President Clinton has rightfully referred to America as an indispensable nation. It is not exaggerated to state that in this indispensable nation, New York City is the indispensable city. In order for this city to maintain its rightful place and fully realize its destiny, an open, thriving, creative City University of New York is an indispensable institution. City University of New York is the jewel in the crown of our unique urban civilization.

This is a moment at which we must truly rally our better instincts, our common sense. We must rally our well-cultivated logic and our receptivity to the evidence provided by well-known studies. Such studies show that the record of CUNY is a laudable one. City University of New York has a laudable record.

Consider the fact that the cost to educate a single student is so much greater in Harvard, and even greater at West Point, \$120,000 per year per student. Despite the shoestring budget of the City University of New York and repeated fiscal harassments, City University of New York has endured over many lean years. City University of New York still stands in the ranks of the greatest in its production of outstanding scholars, Nobel laureates, scientists and international prize winners.

The City University, as I said before, is indispensable to the life of the city. Any university anywhere in the country, all of our public institutions, following the tradition of the Morrill Act, following the tradition of the GI Bill, all of these have a great deal to offer as we go into the 21st century.

We should look at the Higher Education Act tomorrow as being inadequate but at least a start, and find ways to improve and expand on the Higher Education Assistance Act which will come before us for deliberations on the House of Representatives floor tomorrow morning.

RELIGIOUS FREEDOM AMENDMENT  
TO THE CONSTITUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Oklahoma (Mr. ISTOOK) is recognized for 60 minutes as the designee of the majority leader.

Mr. ISTOOK. Mr. Speaker, tonight I am going to be talking about a very important issue that is coming before this House in approximately a month, that being the Religious Freedom Amendment.

Mr. Speaker, I will submit a copy of a detailed analysis of the proposed constitutional amendment which I will provide to the Clerk, to be printed and included in the RECORD.

The Religious Freedom Amendment, known as House Joint Resolution 78, is responding to the public's very valid concern for the last generation that the courts in the United States of America have become hostile to religion. They have placed barriers to religious expression which do not exist for other forms of speech for free speech.

A false standard has been created by the courts basically saying, well, if everyone is not unanimous in agreeing on some religious topic, then we ought to be censoring it, if it is something like a prayer in a public school during the school hours or the football game or at a graduation.

In the next 30 days or so, Mr. Speaker, all across America we are going to have students graduating from high school, and in some places from college, and they will usually want what has become an American tradition, or was until the Supreme Court interfered, namely having a simple prayer to begin or to close or both at a public school graduation.

In fact, it is a tradition. The earliest recorded public school graduation in the United States, according to the Supreme Court, featured a prayer. In fact, multiple prayers. But the Supreme Court has basically taken a stand and said if everybody does not agree, then we ought to censor it, because they say we do not want to have an establishment of religion created.

Or some people use a catch phrase, and I will talk about this more, Mr. Speaker, use a catch phrase of saying, well, it would violate the wall of separation between church and State, which is not a phrase found in the American Constitution. It is a phrase that has been put in by other people for other purposes and often, rather than quoting the Constitution itself, people cite that phrase as though it explained everything.

What does the Constitution say? "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

The Supreme Court rulings against school prayer and other religious issues have been provoking public outrage since 1962. We have not had a vote here in the House of Representatives since 1971 on a proposal to correct the Su-

preme Court by amending the Constitution to provide for voluntary school prayer, and to reinstate other protections in religious expression which used to be common in the U.S.A. until approximately 36 years ago.

Mr. Speaker, the text of the proposed amendment has been approved by the House's Subcommittee on the Constitution. It has been approved by the House Committee on the Judiciary. It is ready to come to this floor and will be coming to the floor soon.

Let me quote, Mr. Speaker. It reads thusly:

To secure the people's right to acknowledge God according to the dictates of conscience: Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage, or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion.

And of course under the normal process it is proposed that two-thirds of the House approve this amendment, two-thirds of the Senate approve, and then during a seven-year window of opportunity it would require ratification by the necessary three-fourths of the State legislatures.

That, of course, is the process that was created by the Founding Fathers to amend the Constitution, and indeed it has been amended before to correct erroneous Supreme Court decisions. For example, the Dred Scott decision back in the middle of the last century provoked a lot of outrage with its decision that basically was in favor of slavery, and that was corrected by a later amendment to the Constitution.

Mr. Speaker, a lot of people today, and I think the media has a great deal to do with this misleading, because we will find in the press too a lot of people are told, well, the issue is separation of church and State.

Mr. Speaker, we could talk among ourselves and say, well, what does that term mean? But I think that it is instructive to look at what the Chief Justice of the United States Supreme Court, our current Chief Justice, William Rehnquist, has said about the use of this term, which he said has been used to mislead people about what the Constitution actually says and what the Founding Fathers actually intended when it comes to religious freedom.

Justice Rehnquist, our Chief Justice, has written in official Supreme Court opinion that the use of that term should be "frankly and explicitly abandoned." Those are his words. "It should be frankly and explicitly abandoned."

Why? Because it has not been used to promote neutrality toward religion, but it has been used to promote hostility. Essentially, it has been used to say that if government is present, then religion must be absent. So if government comes into a situation, religion must be pushed out and pushed aside.

Mr. Speaker, when we have the growth of government where it is with us in every aspect of our lives today, in schools, in something involving health care, in so many bodies that are created as public bodies, and we are told, "My goodness, this is a government-funded activity. You cannot have a prayer to open or close, or we feel hesitant if you involve your religious beliefs in sharing your opinion."

For example, a first grade student in Medford, New Jersey, in the last year was told by a Federal judge that even though he won a contest, a reading contest, and could read whatever story he wanted, because he chose a story from the Beginner's Bible, the school said, "Oh, no, you cannot read that at school," and the Federal judge said, "That is right. You cannot read that at school," and cited as his mantra what Justice Rehnquist has condemned, separation of church and State.

In Florida, in Fort Myers, Florida, they said they wanted to have a course not teaching doctrine but teaching about religion. And so they were going to have aspects of the course that dealt with the Bible as history, which is something that is supposed to be expressly approved, many people think, as long as it is taught as history. But the Federal judge in Florida ruled that they could teach about the Old Testament as history, but they could not teach anything about the New Testament because not everybody believes in the resurrection. So the Bible even as literature was singled out by a Federal judge. Why? Because they are following the standards set by the U.S. Supreme Court, standards not of neutrality but, unfortunately, to promote hostility.

□ 2100

Our courts blaze a wayward trail because they use a broken compass. Let me tell you, it was in the case of *Wallace v. Jaffree* that Chief Justice Rehnquist made his remarks about his little catch phrase, "separation of church and state." This was an opinion, it came down from the Supreme Court in 1985 in Alabama. Because they were so upset with the effort of the courts to strip prayer out of the public schools, they passed a law that said, let us have a moment of silence, a moment of silence at public schools. The U.S. Supreme Court ruled the moment of silence was unconstitutional because it could be used for silent prayer.

A lot of Americans are not aware of that, Mr. Speaker. They do not know that the Supreme Court has gone so far as to say if you have a moment of silence, that is unconstitutional, because people could be offering a silent prayer. Now, if that is not an outrage, Mr. Speaker, I do not know what is.

The Chief Justice was outraged by what five of the Justices did. It was a 5-4 decision. He was so outraged, and he wrote about it, and he talked about what they had said and the error of it.

For example, the originator of the phrase "wall of separation between

church and state" is usually said to be Thomas Jefferson. But as Chief Justice Rehnquist noted in his opinion, and I quote here, "It is impossible to build sound constitutional doctrine upon a mistaken understanding of constitutional history; but unfortunately, the establishment clause has been expressly freighted with Jefferson's misleading metaphor for nearly 40 years. Thomas Jefferson was, of course, in France at the time the constitutional amendment known as the Bill of Rights was passed by Congress and ratified by the States."

The person that originated that phrase was not involved in drafting the first amendment. So the Chief Justice said clearly in the *Wallace v. Jaffree* opinion, and I quote him again, "The establishment clause did not require government neutrality between religion and irreligion, nor did it prohibit the Federal Government from providing nondiscriminatory aid to religion. There is simply no historical foundation for the proposition that the framers intended to build the wall of separation."

As Justice Rehnquist said, the evil that they wanted to address was from proposals to establish an official national church, or an official religion, because we do not want that in the United States of America. But he said, the Congress clearly intended to have a positive attitude toward religion.

Then the Chief Justice said that this so-called wall of separation is actually what he labeled a blurred and distinct and variable barrier. He called it a metaphor based on bad history. In his words, quoting again, "A metaphor based on bad history, a metaphor which is approved useless as a guide to judging, it should be frankly and explicitly abandoned."

Now, Mr. Speaker, I go through all that talking about what the Chief Justice of the U.S. Supreme Court has written merely to try to get people to understand that the issue is freedom. The issue is religious freedom.

If someone wants to stand up in a school and together wants to say the Pledge of Allegiance, can they say the Pledge of Allegiance at a public school? Sure. There was a challenge to that a number of years ago. It came out of West Virginia. The U.S. Supreme Court wrote that no child can be compelled to say the Pledge of Allegiance. I agree with that. But, Mr. Speaker, they never gave a child who did not want to say it the right to censor and silence the classmates who did want to say the Pledge of Allegiance.

Mr. Speaker, that is the correct standard that needs to be followed when it comes to a prayer that people may want to offer in public school, a positive expression of hope and faith at the beginning of the day. Whether it be part of a devotional activity, whether it be done on a school basis or classroom basis, whatever they choose to implement, the issue is the freedom to do so.

Are we to say that, because someone has overly sensitive ears and they choose to be offended by an expression of faith, that, therefore, we must censor and we must silence those expressions? Or if there may be a chance that one prayer out of a million might be offensive, do we say that we silence a million prayers just to be sure that one particular offensive prayer is never uttered? We do not apply that standard of free speech. We say that something with which we may disagree is nevertheless protected.

Were we to say that you can censor people if you do not like what they are saying, Mr. Speaker, we would not have free speech in this country. How, then, can we say you can censor what someone is saying if it is a prayer in a public place and still claim to have freedom of religion?

No, Mr. Speaker, freedom of religion means that we accept those with whom we agree and those with whom we disagree. It means we look after the rights of the majority and the rights of the minority. We don't fall for this mistaken theory that the Bill of Rights is meant to protect only minorities and not protect the rest of us. It is meant to protect all of us with a standard of tolerance.

In the cases where the U.S. Supreme Court ruled against prayer in public schools, one of the dissenting Justices was Supreme Court Justice Potter Stewart; and he noted that, if we really believe in diversity, then we ought to say people can offer their prayers. We know there will be different prayers, because we follow a basic principle, Mr. Speaker. You do not have a prayer composed by government. The religious freedom amendment says absolutely not. You do not have an imposition of government to require prayer to be said, nor its content.

Who then selects a prayer or offers it? Well, we follow a very basic principle that is used in so many aspects of school, something we learned in kindergarten. It is called taking turns, and let different people have their turns, and let people be aware.

Yes, there are diverse ways in which people pray. There are different opinions. But do we expect our children to be isolated from those during their daily activities at school, and then, when they become an adult, suddenly they are supposed to understand, suddenly they are supposed to be tolerant of different opinions when they have been told for years that those are dangerous or damaging or must be silenced? No, Mr. Speaker.

As Justice Stewart wrote, in a society of compulsory attendance at public schools, to say that, during the school day, a child must be isolated from what is normal in everyday life is not neutrality. It is placing religion at an artificial and State-created disadvantage.

Mr. Speaker, prayers are normal. They are common. We begin each day in this House of Representatives with a prayer. The United States Senate, the

other body, begins its meetings with a prayer. Chambers of commerce, civic clubs, Lion's, Kiwanis, PTA organizations, State legislatures, city councils, all sorts of groups open with a prayer. Yet, if it happens in a public school, they say that is to be condemned.

In the State of Alabama, there is an outrageous court order from a Federal judge that is covering the students there. Many students have been kicked out of school because the judge has issued a gag order against so much religious expression in the Alabama public schools, appointing monitors to make sure that something does not happen that he believes is wrong.

I want to read to you from part of the opinion that was rendered by Federal Judge Ira DeMent in Alabama just this last year. As requested by foes of public prayer, U.S. District Judge Ira DeMent, permanently enjoined the schools from this, and I will read to you what he said could not happen under penalty of law. This was what was banned: "Permitting prayers, Biblical and scripture readings and other presentations or activities of a religious nature at all school-sponsored or school-initiated assemblies and events, including, but not limited to, sporting events, regardless of whether the activity takes place during instructional time, regardless of whether attendance is compulsory or noncompulsory, and regardless of whether the speaker, presenter, is a student, school official, or nonschool person."

No matter what the occasion, if it involves a public school, whether it is from a student or anyone else, there better not be a prayer, whether it be in the classroom, a school assembly, a football game, a graduation, you name it.

He appointed court monitors. In fact, he recently issued an order saying all the teachers and administrative personnel from the school system have to come to special training sessions to hear what the judge's standards are to make sure that people do not mouth religious utterances in a public school.

Mr. Speaker, that is not free speech. That is not freedom of religion. That is oppression of religion masquerading, masquerading as constitutional law. Why do the courts do this?

Remember what the First Amendment says. Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. That last phrase is basically ignored by the Supreme Court and, therefore, by the inferior courts, because the Supreme Court has said, well, anything, anything that smacks of religion becomes suspect.

Therefore, even if you are not creating a church, you are not advocating an official set of beliefs, you are not telling people that we are going to have a hierarchy, or priesthood, or a church building, or a tithing, or doctrine, or theology or any of those things, nevertheless, if it is a simple prayer, that is going too far. That is



too close to an official establishment of religion. Mr. Speaker, that is using the establishment clause of the Constitution as a weapon to suppress the free exercise of religion.

One of the outrageous things, and there is plenty of them, one of the outrageous things in the Supreme Court decisions came in the graduation prayer case, the *Lee v. Weisman* decision, which came out of a public school graduation in Rhode Island; and in that case, Justice Kennedy wrote that a prayer must be assumed to be offensive. That is right. He said a prayer must be automatically assumed to be offensive. Those were his words, Mr. Speaker.

Do we automatically assume that anything else is not only offensive, but must be suppressed? We do not apply that to about anything else other than, I guess, pornography, Mr. Speaker. We say that you have to be silent about this because we find it to be offensive.

Now, if it is pornography, let us kick it out, and let us enforce the laws against it. But since when is a prayer or religious utterance considered to be automatically assumed to be offensive?

The Internal Revenue Service, and, you know, obviously, they are following the same rationale as Justice Kennedy, the Internal Revenue Service, in one of its major California districts, sent out a memo to its employees about 2 years ago. The memo said, in your personal work space or on your desk, you cannot have any sort of religious emblem or item. It may be a little nativity scene. No. It may be a star of David, no. It may be a Bible, no.

I wrote them, Mr. Speaker. I said, why are you doing this? The Internal Revenue Service wrote back to me, citing some different court cases. Frankly, Mr. Speaker, I think they went beyond them, but citing a court case, they said, items which are considered to be intrusive, such as religious items or sexually suggestive cartoons or calendars, were to be banned.

Mr. Speaker, that is the full list of what they said was offensive, to be banned; if it is religious, or if it is sexually suggestive, if it is pornographic. You see how the courts are equating the two, saying that something that is religious is offensive.

Mr. Speaker, that flies in the face of everything on which this country was founded and on which most Americans place their hope and faith and trust. It flies in the face of what we believe.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I want to thank the gentleman from Oklahoma for his leadership and persistence on this issue in pushing us to get a House vote and to give us at least the opportunity to attempt to pass this constitutional amendment. I could not take any more of the examples. My outrage was rising. It is inconceivable that even a moment of silence is illegal because people might be thinking about prayer.

□ 2115

The danger in our society, if we keep backing away from this moral premise, is if we ever do get a moment of silence, the kids will be thinking about stock market reports instead of a prayer. And is that really going to be better for America if we lose this idea that there is a power higher than us?

I find it extremely offensive that in class, and I agree with the gentleman's allusion to this. It is not clear where the law exactly is on a lot of this. In fact, school districts have been intimidated for fear of lawsuits and, probably because of that, have gone farther than they need to go. But currently in America we are in a situation where a teacher probably could talk about Native American religions but, boy, she better be careful if she mentions Jesus Christ.

A teacher could probably post on the wall, *Desiderata* was big back when we were in college, to God, whoever he may be but, boy, if they put the 23rd Psalm up there or the 10 Commandments, that might poison these poor little kids.

It is one thing if they have a book of astrology or magic spells on a desk, but what if it is a Bible? Woe be to that teacher, because these kids might pick up something that has a moral base.

Now if the kids in the hall want to talk to other kids about marijuana or how that works, or crack or how that works, as long as they are not selling drugs, they can talk about drugs all day. But if they want to talk to another child about eternal salvation, they will probably go down to that principal's office, may even, as a friend of my son's did, get expelled from school for raising the question. Not aggressively pushing it, for raising the question of eternal salvation because it could make somebody feel bad.

You can wear a Black Sabbath T-shirt, a mockery of the Sabbath and all this kind of thing, but if you wear a religious T-shirt, you might be evangelizing. Not that all this crappy rock music stuff is evangelizing or the drug hints or the hats that you can find in many stores in the mall with the marijuana weed on it or other types of drugs, that is not evangelizing. But, boy, if you have any religion on your T-shirts or symbols that could make other kids feel slightly intimidated, you can be reprimanded.

What are we coming to? I don't understand how we have gotten in this situation in the country. It is why so many people are despairing. It is why we have to take the extraordinary step that the Founding Fathers have given us to go to a constitutional amendment.

Quite frankly, we can pass laws here in Congress, and the courts do not seem to care. If we just pass laws without amending the Constitution, we are totally at their mercy to continue this what I believe is nonsense in these rulings.

Mr. ISTOOK. I think the gentleman has made some excellent points. Yet I

want to give a lot of credit to the American people. We are a generation beyond now the original decisions in 1962, and people have not given up.

It is not just the public opinion polls, because they consistently, for 36 years, show that 75 percent or more of the American people support a constitutional amendment to make it possible to have prayer in public schools or a nativity scene on public property or whatever it might be, so long as we are not establishing an official church or a national religion or saying that somebody has precedence because their religion is better than somebody else's. We do not do that.

And the American people haven't given up because, as the gentleman knows, there is a lot of civil disobedience that goes on. There are people that are still having prayer, in some cases in public schools or at football games or at school graduations, often because the ACLU has not gotten around to their town yet.

But the moment that the ACLU does come in, or some of the other groups that work with them and bring these lawsuits around the country, groups like Americans United for Separation of Church and State or People for the American Way, these are groups that are typically involved with the ACLU and these lawsuits to suppress religious expression because it makes some people uncomfortable.

Well, as we know, it is common for someone to say something with which someone else may disagree, and we are supposed to be taught to be tolerant, but they are teaching them to be intolerant. But yet the American people keep trying.

We have something called the Equal Access Act, and that means that before school starts or after school kids have been able to get together in Bible clubs, although they have problems with them there. They are not permitted the same rights as other school clubs. They cannot meet during the hours once school starts until school is out for the day. Other clubs can meet during the day in different set-aside time but not the Bible clubs. Or they can have a faculty adviser but not the Bible clubs. Or they can be recognized in the yearbook and other things as other groups are, but the Bible clubs are typically excluded.

I looked through my high school annual recently. I graduated from high school in Texas in 1967. There is Fellowship of Christian Athletes and Youth for Christ, but in many places today those are considered suspect and they have to be handled with care. Yet clubs for any other purpose, as the gentleman mentioned, are routinely approved.

So some people say, well, the fact that we have Bible clubs being formed at school or kids having prayer before or after school in their groups of their own initiative, that is not a symbol of the fact that there is nothing wrong, because there are things wrong. It is a

symbol of the great desire of the American people and how they are always looking for a way.

But why should we say that in classrooms where, as the gentleman mentioned, they may be talking about drugs, they may be talking about sex, they may be talking about all sorts of different alternate life-styles, but if somebody gives a religious perspective or says we ought to be able to start our days with prayer just like the U.S. Congress does, oh, no, we cannot do it, and people are threatened with arrest.

I have to tell my colleague another horror story here. In Galveston, Texas, Santa Fe High School, a Federal judge was persuaded that, since the initiative came from students, he said, well, okay, you can have a prayer at graduation, but I will have a U.S. Marshal there, and if anybody mentions the name of Jesus Christ, they can be arrested and be held accountable to me.

So it was not enough that they tried to squeeze out the ability to have some semblance of prayer. The judge wanted to control it. And how offensive that is to so many people.

I know we have people of different faiths. We will pray different ways. But we learn. We learn from our differences.

Mr. SOUDER. If the gentleman will yield, it is almost, well, it is not almost inconceivable, it is inconceivable when we have gangs, we have drug problems all over our country, we have teachers getting raped in the hallways, and we are concerned about stamping out anybody talking about Jesus Christ.

In 1983 and '84, I cannot remember which year, when then Congressman Dan Coats, I was working on his district staff, was working on the equal access bill, we actually had a series of problems come up in the school district that my kids were in that helped provide some of the fodder that led to the passage of the equal access bill, including a series of rules that the administration did not mean for the parents to get ahold of, which included not allowing any religious affiliated instructors or teachers or ministers to go on school grounds during the day.

The way this came about is one rural high school, the student who got in trouble at school asked to talk to his pastor. The pastor came into the school, and that led to a banning of pastors going into the school during the school day.

The church that I grew up in had a children's home. Many of those people who worked as house parents were lay pastors. And the question is, could they go on to school grounds? No, they were banned under this rule. It was absurd. You could not use the school for after hours if you had any religious affiliations.

This whole prayer question. A whole series of type of things led to many of these changes, supposedly covered by equal access. But we have backslid.

I want to use one other personal example. For anybody who, by any

stretch of the imagination, thinks that I am a liberal, this will get rid of that impression. I mean, there are issues where I disagree with the majority of my conservative friends, and tomorrow on the amendment of the gentleman from California (Mr. FRANK RIGGS) and other things on affirmative action, it is one area where I have a disagreement. But, for the most part, I am very conservative; and my roots are very conservative.

I grew up in the Apostolic Christian Church of America. It is a very fundamentalist church. When we join that church, we do not have infant baptism. We believe in the age of accountability, and we commit our lives to Jesus Christ. When we do, we agree to accept certain guidelines of that church. When we accept those guidelines, we are expected to follow them.

One of the guidelines is that we do not go to movies. That was a difficult thing. I think it was my junior year in high school, because the school decided to go to the Sound of Music. Now, the church rule was not PG films or G films, it was no movies. That meant that I had to go sit alone in a classroom while the rest of the kids went to see Sound of Music.

I did not file an objection to stop everybody else in the school because I was isolated, because my religious beliefs were a minority and somehow I was going to be eternally damaged or even temporarily damaged because I was singled out, because other kids made fun of me because of my church, because I was extra conservative. I had to go sit alone.

The small school that I grew up in has a lot of Amish around it. The Amish do not believe in taking public showers. Therefore, often they were excused from gym or had to sit there or did not shower if they had to go to the gym class. But the school did not cancel gym classes. And in this particular school 12 percent of the kids were Amish. Twelve percent was not considered a significant enough minority to change the behavior of the rest of the school around it.

There needs to be a sensitivity. And I have to say I never ran into a teacher who mocked my religious beliefs. I ran into plenty who questioned my religious beliefs and were curious about them or told me they did not think they were very sound even biblically, but nobody mocked my beliefs.

And, quite frankly, because I had to go through experiences much, quite frankly, like other minorities have gone through in different ways, I had to decide to give in or actually firm up my beliefs.

In fact, to use a reverse example, the Communist party, in their indoctrination, used to send new recruits onto the street to try to spread their doctrine. And when they were attacked, they learned the beliefs better than if they did not have to defend them.

I learned more about the principles, not all of which I agree with today;

but, at the same time, I learned to understand even why rules were there that I did not agree with because I had to execute them and I had to execute them in a period where I was the only one or sometimes one of only three who held that position.

I did not go to my senior prom because I did not dance. And I was senior class president, and I was supposed to speak at the senior prom. They had printed up the programs with my name in it. I told them I am not going to go. It was embarrassing, and it was difficult as a senior. It was difficult in many of these years to go through that personal discipline of being different than everybody else. But I did not ask everybody else to change because they were not like me.

The problem we have in America right now is that, if there are a few people who do not like what the majority of the people like, they feel they have a right to stop them from their practice of religious freedom, which, quite frankly, is the fundamental belief that America was founded on; that we were going to have free exercise of religion; that we were going to be able to worship God as we saw fit; that in America we had a fundamental belief in this Congress, in this body, in the Christian holy trinity.

Now, we have more diversity in America today, but it is still the preponderant belief. All our laws, as Francis Schaeffer said, are really echoes and remnants, if not direct outgrowth, of old testament law and of the Judeo-Christian tradition. If we lose that foundation as a country, we are lost.

What we are trying to do, and what the gentleman has tried to do in his leadership with this religious liberty amendment, is to allow free practice. We could make a case that our Founding Fathers, with their State establishment of religion, which they did not ban, different States had State religions, intended it to go far more. They just did not want one national religion. They believed in aggressive promotion of religious values.

We are not asking that anymore. In America, we are down to saying, can we not wear a T-shirt; can we not put a Bible on our desk; can we not talk to other people about our religious faiths? This is how far we have gone in America. This is the least we can do. Not the most we can do. It is the least we can do for our children in our schools is to allow them free exercise of religion.

We are not trying to impose anything here. Now we have the reverse. The minority is imposing on the majority.

Mr. ISTOOK. I think the gentleman makes some excellent points. The first amendment's first protection, the Bill of Rights, the very first thing is freedom of religion. That is the first thing the Founding Fathers put in the bill of rights. And yet now, this doctrine that the courts have adopted is, as the gentleman has illustrated, it is encouraging people not only to be thin-skinned

but to seek to control the behavior of others under the guise of freedom. It is a topsy-turvy philosophy.

We need to recognize that the intolerant person is not the one who wants to be able to say a prayer. The intolerant person is the one who insists on stopping it and bringing down the weight and power and might of the Federal Government through the Federal courts to stop people from simple religious expression such as a prayer.

□ 2130

The cases go on. There was another case in Texas where a minister that had an antidrug program was banned from presenting it in public schools not because there was anything religious about his presentation. But simply because he was a minister. In Colorado, a teacher was fired, and the courts upheld the firing, for reading a Bible during the class reading time when the students were told, "This is reading time. Read whatever you want to read." And while the students read when they wanted to read, he read his Bible, and he was fired because he was told, "You cannot do that," and he insisted upon doing it. And the courts said that was okay?

You take symbols. In San Francisco, California, in a city park for more than 60 years there has been a large cross. Even during FDR's days when Franklin D. Roosevelt was President of the United States, in a national address he praised that as a great example and monument. And the Supreme Court a year ago said it has got to go.

There have been similar cases in Hawaii and Eugene, Oregon, saying we should not have those on public property. And yet, if we will pull out a dollar bill, on the back of the dollar bill is the Great Seal of the United States and the stars on the Great Seal, the 13 stars, are arranged in the form of the star of David. And we have plenty other religious references.

Mr. SOUDER. If the gentleman would further yield, behind us on the wall is Moses. All the other lawgivers are pointing to the side.

Mr. ISTOOK. We have a couple Popes on the wall of the House Chamber.

Mr. SOUDER. Moses is looking straight on the Speaker's chair. We know, and our Founding Fathers knew, where our laws were derived from.

Mr. ISTOOK. If we look right above the Speaker's chair, above the Speaker's chair and the flag are emblazoned the words "In God we trust," which we also find on our currency. There are people that find that offensive. Does that mean we should take it off?

Mr. SOUDER. It is important to know these were not additions after the Republicans took over Congress in 1994. They have been here under Republicans, they have been here under Democrats, because we have a unified tradition in America that this is our cultural heritage, it is our spiritual heritage, it is the foundation our country is built on.

Mr. ISTOOK. And the religious freedom amendment is intended to protect these to say that the standard ought to be the same as it is for the Pledge of Allegiance. If they do not want to say it, that is fine, but that does not mean that they can stop other students that may want to have a prayer in public school.

Take the Supreme Court's decisions on nativity scenes, the Allegheny v. Pittsburgh ACLU case from the Supreme Court, where they said they cannot have a nativity scene or a Jewish menorah, they were both covered on public property there, because there was not in the same line of sight secular emblems, Santa Claus, plastic reindeer, and so forth.

In Jersey City, New Jersey, gosh, over 30 different religions have been permitted by Mayor Bret Schundler to put their religious emblems on City Hall property, but they got sued over the nativity scene. And the judge said, well, they have done it for the other religions, that is fine, and they put out a manger scene, and they have put here secular emblems, Santa Claus, the plastic reindeer, Frosty the Snowman, but it is still not good enough because the nativity scene is just too powerful, and it has got to go. So that was another Federal court ruling this last December. Outrageous. But it comes from the U.S. Supreme Court's case and the Allegheny case.

Now, do my colleagues know what I am really waiting on? The Supreme Court says, well, they can't have religious emblems unless they balance them with a secular emblem, and even then they say the religious emblems are too powerful. But I have never seen them say they cannot have secular emblems unless they balance them with religious emblems. Are we going to say they cannot have a Frosty the Snowman unless they also have Mary and Joseph?

Let us get real, my colleagues. Let us quit being so thin-skinned. Let us make the standard where the religious freedom amendment says, which is what Justice Rehnquist said, it is what the Founding Fathers intended. We do not want an official religion. We will not have an official religion in the United States of America. That is inconsistent with freedom of religion. But suppressing expressions of religious heritage or tradition or belief or a prayer on public property, that is also inconsistent with our beliefs in America. So let us correct these court decisions.

Mr. SOUDER. Perhaps my colleague had not heard, we cannot refer to him as Santa Claus. It is just Claus. "Santa" is, of course, "saint" in Spanish, so we really should not say that. And I am waiting for it to be called Patrick's Day rather than St. Patrick's Day. It has a little bit of religious overtones. We have to be so careful in our society anymore.

Mr. Chairman, at the end of this particular special order, I would like to in-

sert into the RECORD an article. It is actually a book review in this week's Weekly Standard magazine by Richard Neuhaus, one of the tremendous Christian writers in this country who wrote "Religion in the Public Square." He has a review of John Noonan's new book "The Luster of Our Country, the American Experience of Religious Freedom." I would like to insert this review into the RECORD at the end of this special order.

He makes two points in this review that, in fact, one of the reasons some people want to suppress religious freedom and free exercise is that, in fact, it is a danger to the State; that there have been a number of efforts in this country rooted in religious freedom, the abolition of slavery, the war against polygamy, the prohibition of alcohol, and the civil rights movement under the leadership of Martin Luther King, that really forced changes in our political system.

Furthermore, he points out in this book, he has whole chapters to four contrasting case studies. The French Revolution's affirmation and betrayal of the American idea of religious freedom; the American imposition of the idea on a defeated Japan; Russia's current and deeply flawed efforts to incorporate the idea; and the American influence in the Second Vatican Council's teaching on religious liberty.

In other words, in societies where they have not followed our pattern of religious freedom, they have developed problems. And because we allowed it, religious freedom, in fact, drove the system and changed the system.

One other thing that I would like to insert into the RECORD also following this article is a cover story in this week's U.S. News about James Dobson. This article is not directly on this subject but touches on some of the problems of this country that are occurring because of the lack of responsiveness.

I know the gentleman from Oklahoma (Mr. ISTOOK) has been in some of these meetings, as well as our friend, the gentleman from Colorado (Mr. BOB SCHAFER) in the chair. We have some differences as to how to approach this, but what we understand is that Dr. James Dobson has been a spokesman and has been a mentor to many of us in his family issues and how he has done this, and he is speaking for a lot of our supporters and millions of people in America when he says that he is frustrated and he is frustrated with the types of thing that the gentleman from Oklahoma has been talking about tonight and I have been talking about when he says in here, and he is speaking for many people when he said that he cares about the moral tone of the Nation. "I care about right and wrong. I have very deep convictions about absolute truth."

And he says, had he stayed simply on family themes, he could have moved with ease through all denominations and in both political parties. But he has started to speak out because he is

concerned about the general thrust and direction of our society that causes some heartburn in our party, causes some heartburn in Members of Congress, such as the gentleman from Oklahoma and myself.

At the same time, we understand why this article says "a righteous indignation," because that is what many people in America feel right now. They do not understand what in the world is wrong with the government. The examples that my colleague has given defy common sense.

Mr. ISTOOK. Mr. Speaker, I think the gentleman is making the point that we cannot separate values and principles and moral standards from the religious beliefs which gave them birth and gave them life and give them meaning.

If we look at the original founding document of this Nation, the Declaration of Independence, there is a very well-known clause in that. Many people only read it partway. But I am speaking of the clause that says, "We hold these truths to be self-evident that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men."

Now, if we look at what the Founding Fathers wrote, Mr. Speaker, we see that they say our rights did not come from the State, they did not come from the Federal Government, they did not come from the State government, they did not come from a local government, they did not come from a king, they do not come from an emperor, our rights come from God. "We hold these truths to be self-evident. We are endowed by our Creator with certain inalienable rights."

And what is the purpose of government according to the Declaration of Independence? To secure these rights, to secure the rights which come to us from God. That is what the Founding Fathers wrote they believed was the purpose of government, to protect our God-given rights.

I must question, if we cannot acknowledge the author of our rights, if we cannot acknowledge the origin of our rights, if we cannot express belief in He who created our rights, for which government was created to protect those rights, if we cannot do those things, can we stay believers and true persons to those beliefs and to the principles on which this Nation was founded? If we abandon the source of this Nation, we abandon its principles.

Mr. Speaker, the religious freedom amendment is intended to protect these rights which are in jeopardy. It has not gone without notice across the world that even though we enjoy great religious freedom in the United States of America, but let us not measure it by what we have left. Let us look at what has been taken away by these and other court decisions.

They have been chipping and chipping and chipping away at our rights. Are we then to be satisfied because we still have something left, or must we recognize the process of this chipping away, of this diminishing, of this fencing in of our rights and our freedom and our precious religious heritage? Are we to accept this false notion that, as government expands, religion must shrink to maintain a separation between church and state, because we live in the era of expanding government, and if that is the philosophy, then expansion of government necessitates a shrinking of religion?

Mr. Speaker, that is not the philosophy in which our Founding Fathers believed. That is why I quoted Chief Justice Rehnquist on that, and many other things to this effect can be found in their writings. We want to have a positive attitude toward religion, but make sure that we never embark upon anything that would create any official religion or any official church or any official faith for the United States of America. But the severity of this problem in the USA has been noted around the world.

I want to read a statement from Pope John Paul II, which he issued this past December, just 5 months ago. He was greeting the new American Ambassador to the Vatican, and Pope John Paul II spoke these words to the new American Ambassador: "It would truly be a sad thing if the religious and moral convictions upon which the experiment was founded could now somehow be considered a danger to free society such that those who would bring these convictions to bear upon your Nation's public life would be denied a voice in debating and resolving issues of public policy. The original separation of church and state in the United States was certainly not an effort to ban all religious conviction from the public sphere, a kind of banishment of God from civil society."

□ 2145

Mr. Speaker, it is time that we take notice and that we take action. We will have the opportunity on the floor of this House within approximately a month to vote on the Religious Freedom Amendment. It has been approved by the Subcommittee on the Constitution, by the Committee on the Judiciary, it has over 150 Members of Congress who are cosponsors of it. I hope even more will add their names to it.

I hope, Mr. Speaker, that those all across the country who are aware of this will contact their Member of Congress. I hope they will say to their Member of Congress, "We need to protect our religious freedom, we need to reverse the attack upon prayer in school and our other religious freedoms, we need the Religious Freedom Amendment, and we expect our Members of Congress to support it." Members of Congress need to hear that message.

Our children in public school need to be free to have a simple message of

hope and faith in their school day, and let them be aware that yes, there are some differences in how some people pray and we have some differences among us that reflect some of our different faiths. But yet we are united, we are united by our common beliefs that almost all Americans share.

That certainly was part of the beliefs of the Founding Fathers, that we owe our existence to God, and if we do not recognize God and if we do not do it freely and openly and consistently and yes, daily, Mr. Speaker, then how long can we expect the blessings of the Lord to continue with us and with our families and with our beloved Nation? We need that freedom which has been under attack by the courts.

Let me share with you once again, Mr. Speaker, the words of the Religious Freedom Amendment which would become a part of the Constitution, not to replace the First Amendment but to supplement it, to be side-by-side with it. The Religious Freedom Amendment states as follows:

To secure the people's right to acknowledge God according to the dictates of conscience: Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion.

Those are the simple words, that is the simple language which will correct these things which we have been discussing, which will correct these wayward court decisions, which will give the Supreme Court a better compass than the one which they have been following.

Mr. Speaker, it is long overdue. We should have had this vote decades ago. I am so grateful to be an American, to live in a land where the American people have not lost their faith, but they need to be free to express it. With faith comes value, with faith comes principles, with faith comes morals, with faith comes strength, and with faith comes the blessings, the blessings of liberty which we seek to secure for ourselves and for our posterity.

DETAILED AND LEGAL ANALYSIS OF THE RELIGIOUS FREEDOM AMENDMENT, HOUSE JOINT RESOLUTION 78

(By U. S. Congressman Ernest J. Istook, Jr.)

THE RELIGIOUS FREEDOM AMENDMENT (HOUSE JOINT RESOLUTION 78)

"To secure the people's right to acknowledge God according to the dictates of conscience: Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. Neither the United States nor any state shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion."

BACKGROUND

The Religious Freedom Amendment, House Joint Resolution 78, responds to the public's

valid concern that our courts have become hostile to religion, placing barriers to religious expression which do not exist for other forms of free speech.

A false and impossible standard of unanimity has been created, saying that if a single person objects to a prayer or other religious expression, then an entire group must be silenced and censored. This is the exact opposite of free speech. Free speech exists only when people have a right to say something with which others disagree.

For over 36 years, court decisions have harmed religious freedom in America; the Religious Freedom Amendment (RFA) is intended as the solution, because the courts have left no other remedy than to amend the Constitution. Over 150 Members of the House of Representatives are co-sponsoring the RFA. It also is supported by a broad coalition that includes Christian groups, and Jewish groups, and Muslim groups. Support ranges from America's largest black denomination, the National Baptists, to the Salvation Army, Youth for Christ, and the country's largest Protestant group, the Southern Baptist Convention, and many more.

Supreme Court rulings on school prayer and other religious issues have provoked public outrage since 1962. Throughout the last 36 years, public opinion polls consistently show about 75% or more of the American public want a constitutional amendment supporting prayer in public schools.

Not since 1971 has such a constitutional amendment been voted upon in the House of Representatives.<sup>1</sup> The Senate conducted votes in 1966,<sup>2</sup> 1970,<sup>3</sup> and 1984.<sup>4</sup> Obviously, none of those succeeded. Additionally, related votes not involving a constitutional amendment have ranged from efforts to limit the jurisdiction of the federal courts, to equal access proposals, to riders on appropriations bills. (These efforts are described in detail in a 1996 report by the Congressional Research Service.<sup>5</sup>) In 1997, on March 4th, the House approved legislation (HCR 31) to promote display of the Ten Commandments on public property, despite Supreme Court rulings to the contrary. It prevailed by 295-125, a 70% margin. It was, however, only a resolution of support, not changing any statutes or court decisions, much less changing the Constitutional language which the courts have misconstrued.

#### TEXT OF THE RFA

The RFA will end 27 years of inaction by the House on a constitutional amendment, by adding to our Constitution this language: "To secure the people's right to acknowledge God according to the dictates of conscience: Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion."<sup>6</sup>

H.J. Res. 78 also includes the normal protocol for submitting this text to the states for ratification, with a seven-year limit on that process.

#### ABOUT "SEPARATION OF CHURCH AND STATE"

The phrase "separation of church and state" is a term whose usage has been officially condemned by the Chief Justice of the Supreme Court, William Rehnquist, and with good reason. He labels it a "mischievous diversion of judges from the actual intentions of the drafters of the Bill of Rights. . . . a metaphor based on bad history, a metaphor which has proved useless as a guide to judging." Rehnquist then stated his conclusion:

"It should be frankly and explicitly abandoned."<sup>7</sup>

The term "separation of church and state" has been frequently used not to promote official neutrality toward public religious expression, but to promote hostility. Essentially, it suggests that whenever government is present, religion must be removed. Unfortunately under this philosophy, because government today is found almost everywhere, the growth of government dictates a shrinking of religion. "Separation" becomes a euphemism for "crowding out" religion.

A proper analysis should center on the actual text of the Constitution, but too often the language of the Constitution is ignored, and is replaced with a focus on the catchphrase "separation of church and state." It is cited almost as a mantra, often in an effort to foreclose further discussion, and without critical analysis of what the phrase actually might mean. That phrase is not found in the Constitution; yet it commonly is erroneously treated as the standard measuring stick for religious freedom issues.

A wrongful focus on this term inevitably becomes antagonistic to religion, because its premise is that wherever government exists, religion must be pushed aside, to maintain the "separation." Since American government today is far, far larger than in the days of our Founding Fathers, or than in any other era,<sup>8</sup> its expansion automatically crowds out religious expression. When government enters, religion must exit. Our courts are blazing a wayward trail because they use a broken compass, a fact noted by dissenters on the Supreme Court. Chief Justice Rehnquist has decried the phrase as a "misleading metaphor" which the Court has followed "for nearly forty years."<sup>9</sup>

After reviewing at great length both the extra-Constitutional origin of the phrase, and the history of the development of the First Amendment itself, Chief Justice Rehnquist in *Wallace v. Jaffree*, 472 U.S. 38 (1985) condemned the reliance on the phrase "separation of church and state". Among his comments:

"The evil to be aimed at, so far as those who spoke were concerned [in the Congress which approved the First Amendment], appears to have been the establishment of a national church, and perhaps the preference of one religious sect over another; but it was definitely not concern about whether the Government might aid all religions evenhandedly.

"It would seem from this evidence that the Establishment Clause of the First Amendment had acquired a well-accepted meaning: it forbade establishment of a national religion, and forbade preference among religious sects or denominations. Indeed, the first American dictionary defined the word 'establishment' as 'the act of establishing, founding, ratifying or ordainin(g,)' such as in '[t]he episcopal form of religion, so called, in England.'" 1 N. Webster, *American Dictionary of the English Language* (1st ed. 1828). The Establishment Clause did not require government neutrality between religion and irreligion nor did it prohibit the federal government from providing non-discriminatory aid to religion. There is simply no historical foundation for the proposition that the Framers intended to build the "wall of separation" that was constitutionalized in *Everson*.

"Our recent opinions, many of them hopelessly divided pluralities, have with embarrassing candor conceded that the 'wall of separation' is merely a 'blurred, indistinct, and variable barrier,' which 'is not wholly

accurate" and can only be "dimly perceived." [Citations omitted.]

"But the greatest injury of the 'wall' notion is its mischievous diversion of judges from the actual intentions of the drafters of the Bill of Rights. . . . The 'wall of separation between church and State' is a metaphor based on bad history, a metaphor which has proved useless as a guide to judging. It should be frankly and explicitly abandoned.

"The Framers intended the Establishment Clause to prohibit the designation of any church as a 'national' one. The Clause was also designed to stop the Federal Government from asserting a preference for one religious denomination or sect over others. Given the 'incorporation' of the Establishment Clause as against the States via the Fourteenth Amendment in *Everson*, States are prohibited as well from establishing a religion or discriminating between sects. As its history abundantly shows, however, nothing in the Establishment Clause requires government to be strictly neutral between religion and irreligion, nor does that Clause prohibit Congress or the States from pursuing legitimate secular ends through nondiscriminatory secular means."

The Religious Freedom Amendment reflects Rehnquist's analysis as Chief Justice of the Supreme Court, and corrects the decisions he criticizes.

Catch-phrases such as "separation of church and state"<sup>10</sup> have had a chilling effect in modern America because government has expanded into almost every area of life. If the church must be segregated from government, then government's entry into any activity is a de facto expulsion of religion from that area. The severity of the problem was noted by Pope John Paul II, on greeting the new American ambassador to the Vatican in December, 1997, when he stated, "It would truly be a sad thing if the religious and moral convictions upon which the American experiment was founded could now somehow be considered a danger to free society, such that those who would bring these convictions to bear upon your nation's public life would be denied a voice in debating and resolving issues of public policy. The original separation of Church and State in the United States was certainly not an effort to ban all religious conviction from the public sphere, a kind of banishment of God from civil society."

#### HOW WILL THE RFA CHANGE THE OUTCOME OF PREVIOUS SUPREME COURT DECISIONS?

As noted in numerous examples, some of which follow, the RFA reflects the opinions expressed by many Supreme Court justices prior to the Court's detours in recent years, and also reflects the dissenting opinions of many Justices during this period. (Often these were 5-4 decisions, meaning the dissenters were but a single vote short of being a majority.) The RFA effectively incorporates (or re-incorporates) their arguments into the Constitution.

The following are some of the key decisions which are affected:

#### ENGEL V. VITALE

—The threshold case of *Engel v. Vitale*<sup>11</sup> held that government may not compose any official prayer or compel joining in prayer. This portion of *Engel* would remain intact. However, that portion of *Engel* which precluded students from engaging in group classroom prayer even on a voluntary basis would be corrected by the RFA.<sup>12</sup>

#### ABINGTON SCHOOL DISTRICT V. SCHEMP

—*Abington School District v. Schemp*<sup>13</sup>, to the extent that it prohibited the composition

or imposition of prayer by an entity of government, would remain the law under the RFA. But to the extent that Abington broadly permits the Establishment Clause to supersede the Free Exercise Clause, it would yield to the standard enunciated in Justice Stewart's dissent:

"It is, I think, a fallacious oversimplification to regard these two provisions as establishing a single constitutional standard of "separation of church and state," which can be mechanically applied in every case to delineate the required boundaries between government and religion. We err in the first place if we do not recognize, as a matter of history and as a matter of the imperatives of our free society, that religion and government must necessarily interact in countless ways. Secondly, the fact is that while in many contexts the Establishment Clause and the Free Exercise Clause fully complement each other, there are areas in which a doctrinaire reading of the Establishment Clause leads to irreconcilable conflict with the Free Exercise Clause."

WALLACE V. JAFFREE

—The prohibition on silent prayer in public schools, incorporated into Wallace v. Jaffree<sup>14</sup>, would be corrected by the RFA. Silent prayer (as well as vocal prayer) would be legitimized, so long as there was no government dictate either to compel that it occur, or to compel any student to participate.

As Chief Justice Burger stated in his dissent in Wallace v. Jaffree:

"It makes no sense to say that Alabama has "endorsed prayer" by merely enacting a new statute "to specify expressly that voluntary prayer is one of the authorized activities during a moment of silence. . . . To suggest that a moment-of-silence statute that includes the word "prayer" unconstitutionally endorses religion, while one that simply provides for a moment of silence does not, manifests not neutrality but hostility toward religion.

\* \* \* \* \*

"The notion that the Alabama statute is a step toward creating an established church borders on, if it does not trespass into, the ridiculous. The statute does not remotely threaten religious liberty; it affirmatively furthers the values of religious freedom and tolerance that the Establishment Clause was designed to protect. Without pressuring those who do not wish to pray, the statute simply creates an opportunity to think to plan, or to pray if one wishes. . . ."

In Justice Potter Stewart's dissent from Abington, he found permitting school prayer is a necessary element of diversity:

"... the duty laid upon government in connection with religious exercises in the public schools is that of refraining from so structuring the school environment as to put any kind of pressure on a child to participate in those exercises; it is not that of providing an atmosphere in which children are kept scrupulously insulated from any awareness that some of their fellows may want to open the school day with prayer, or of the fact that there exist in our pluralistic society differences of religious belief."

LEE V. WEISMAN

—Graduation prayers (so long as not prescribed by government) would be freed of the prohibition in Lee v. Weisman, 505 U.S. 577 (1992). Justice Kennedy wrote in that case that the normal expectation of respectful silence (which is expected for so many other school programs), became coercion when a rabbi offered a graduation prayer, because it creates "pressure, though subtle and indirect, . . . as real as any overt compulsion."

The RFA takes issue with Justice Kennedy's view, and instead embodies the views

of the four Justices who dissented to this 5-4 decision. Whether at a graduation or other school setting, the RFA incorporates the conclusions of these four Justices (Scalia, Rehnquist, White and Thomas) that "hearing" is not "participating" and "hearing" is not "joining" in prayer, and thus there was no coercion to pray.

The Court never explained how expecting respect for a rabbi's prayer at graduation is worse or more "coercive" than expecting courtesy and quiet for non-religious school presentations, or for the Pledge of Allegiance which was also a part of the graduation ceremony. The majority, though, turned its back on neutrality by holding that expecting courtesy and tolerance is coercive, even though seeking respect for non-religious speech was normal and permitted. But because Lee v. Weisman transmuted simple listening into "participation", the Religious Freedom Amendment instead requires something greater than this before an activity is deemed to be an infringement of rights. The RFA applies a simple common-sense standard that makes prayer an expressly-permitted activity, so long as actual joining-in and/or prescribing of prayer are not required. Listening is not joining and is not participating and is not coercion.

In dissenting to Lee v. Weisman's 5-4 ruling, Justice Scalia called the new "psychological coercion" standard "boundless, and boundlessly manipulable".<sup>15</sup> He noted that prayer at school graduations had been standard since the first known graduation from a public high school, in Connecticut in July 1868.<sup>16</sup> Just as the RFA now does, Justice Scalia and the other three dissenting justices distinguished between being present and actually joining in a prayer. As these four justices wrote (at 636):

"... According to the [majority opinion of the] Court, students at graduation who want "to avoid the fact or appearance of participation," . . . in the invocation and benediction are psychologically obligated by "public pressure, as well as peer pressure, . . . to stand as a group or, at least, maintain respectful silence" during those prayers. This assertion—the very linchpin of the Court's opinion—is almost as intriguing for what it does not say as for what it says. It does not say, for example, that students are psychologically coerced to bow their heads, place their hands in a Durer-like prayer position, pay attention to the prayers, utter "Amen," or in fact pray. . . . It claims only that students are psychologically coerced "to stand . . . or, at least, maintain respectful silence." . . . The Court's notion that a student who simply sits in "respectful silence" during the invocation and benediction (when all others are standing) has somehow joined—or would somehow be perceived as having joined—in the prayers is nothing short of ludicrous."

The standard of Lee v. Weisman's bare 5-4 majority has been dangerous, because it declares that simple exposure to religious speech (like exposure to pornography) is so inherently damaging that people must be protected from it. In the majority opinion, Justice Kennedy wrote (at 505 U.S. 594), "Assuming, as we must, that the prayers were offensive . . .". Even pornography is granted a chance to be measured against prevailing community standards; but prayer is assumed automatically to be offensive. Lee v. Weisman's subjective standard permits a lone "offended" individual to silence all others in a public place, thereby censoring their religious expressions.

The effect of this ruling was to create the dangerous notion of a new "freedom from hearing" right which is superior to others' express free speech rights under the First Amendment. This is especially insidious and

chilling when it is used for prior restraint of religious speech. It also perpetuates the notion that an offense to a few must be corrected, even if doing so gives offense to the vast majority. As Justice Kennedy noted (505 U.S. 595), "for many persons an occasion of this significance lacks meaning if there is no recognition, however brief, that human achievements cannot be understood apart from their spiritual essence." But he found that interest immaterial, so long as any one person was offended. The four dissenters took a view much more in keeping with respecting the rights of all, and not just of a few. They noted that, in trying to avoid offense to one student and one parent, the Court's anti-graduation prayer ruling ignored the fact that it was giving offense to all the other students and parents. They stated (at 505 U.S. 645):

"The reader has been told much in this case about the personal interest of Mr. Weisman and his daughter, and very little about the personal interest on the other side. They are not inconsequential. Church and state would not be such a difficult subject if religion were, as the Court apparently thinks it to be, some purely personal avocation that can be indulged entirely in secret, like pornography, in the privacy of one's room. For most believers it is not that, and has never been. Religious men and women of almost all denominations have felt it necessary to acknowledge and beseech the blessing of God as a people, and not just as individuals, because they believe in the "protection of divine Providence," as the Declaration of Independence put it, not just for individuals but for societies; because they believe God to be, as Washington's first Thanksgiving Proclamation put it, the "Great Lord and Ruler of Nations." One can believe in the effectiveness of such public worship, or one can deprecate and deride it. But the longstanding American tradition of prayer at official ceremonies displays with unmistakable clarity that the Establishment Clause does not forbid the government to accommodate it."

Lee v. Weisman, in discussing the tradition of graduation prayer, also included an interesting note that the practice was part of the first known American graduation ceremony. As it noted (at 505 U.S. 635):

"By one account, the first public high school graduation ceremony took place in Connecticut in July 1868—the very month, as it happens, that the Fourteenth Amendment (the vehicle by which the Establishment Clause has been applied against the States) was ratified—when 15 seniors from the Norwich Free Academy marched in their best Sunday suits and dresses into a church hall and waited through majestic music and long prayers."

Under the pretense of promoting tolerance, our courts have thus been used to promote censorship. The RFA corrects this, protecting the rights of both minorities and majorities. The Constitution and the Bill of Rights were intended to protect each and every one of us, not merely some of us.

STONE V. GRAHAM

—The ability to post the Ten Commandments on public property (as an expression of religious beliefs, heritage or traditions of the people), prohibited by Stone v. Graham,<sup>17</sup> becomes protected under the RFA, although there would be neither a mandate nor a guarantee that it would be proper under all circumstances. But Stone v. Graham's automatic prohibition on such a display would be ended.

Stone's majority decision expressed concern that posting the Ten Commandments would "induce the schoolchildren to read, meditate upon, perhaps to venerate and obey, the Commandments."<sup>18</sup> But, in dissent, Chief Justice Rehnquist noted:<sup>19</sup>

"The Establishment Clause does not require that the public sector be insulated from all things which may have a religious significance or origin. . . . Kentucky has decided to make students aware of this fact by demonstrating the secular impact of the Ten Commandments."

Chief Justice Rehnquist then quotes from a 1948 opinion<sup>20</sup> by former Justice Jackson:

" . . . Perhaps subjects such as mathematics, physics or chemistry are, or can be, completely secularized. But it would not seem practical to teach either practice or appreciation of the arts if we are to forbid exposure of youth to any religious influences. Music without sacred music, architecture minus the cathedral, or painting without the scriptural themes would be eccentric and incomplete, even from a secular point of view. . . . I should suppose it is a proper, if not an indispensable, part of preparation for a worldly life to know the roles that religion and religions have played in the tragic story of mankind. The fact is that, for good or for ill, nearly everything in our culture worth transmitting, everything which gives meaning to life, is saturated with religious influences, derived from paganism, Judaism, Christianity—both Catholic and Protestant—and other faiths accepted by a large part of the world's peoples."

#### LEMON V. KURTZMAN

—Lemon v. Kurtzman<sup>21</sup> and its subjective three-pronged test have often been used to achieve a desired result rather than to guide an analysis. The Lemon test would necessarily be revised, because a "purely secular" objective would no longer be compulsory. Recognition of religious heritage, tradition or belief would be a proper objective, so long as it did not rise to the level of promoting a particular faith.

#### ALLEGHENY V. ACLU

—The case of County of Allegheny v. ACLU, Greater Pittsburgh Chapter,<sup>22</sup> would be brought back into line with Lynch v. Donnelly.<sup>23</sup> (Both were 5-4 decisions.) The so-called "plastic reindeer" test for holiday symbols on public property would no longer be decisive. Lynch permitted display of a government-owned Nativity scene, whereas Allegheny restricted the display of a private creche on public property, citing a need for better visual "balance" with secular emblems. It would be no more compulsory to add secular items to a religious display than to require adding religious symbols to "balance" purely secular displays.

A truer test would consider whether symbols of differing faiths were afforded similar opportunity for display during their special seasons. The proper test would be whether government sought to establish an official religion, rather than outlawing traditions from a public forum.

The Religious Freedom Amendment would correct the Supreme Court's bias that secular symbols, regardless of how perverse, are constitutionally-protected for public display,<sup>24</sup> whereas religious symbols are considered suspect. The intent of the RFA is to re-establish true neutrality, by affording religious expression the same equal protection as other expression, rather than the pretense of neutrality that too often exists in name only.<sup>25</sup> The carryover of true neutrality would extend to other aspects of once-common but now-suppressed reflections of beliefs, heritage and traditions. School holiday programs would not feel the pressure to limit songs to "Frosty the Snowman" or "Rudolph the Red-Nosed Reindeer". The carols of Christmas, the hymns of Thanksgiving, the songs of Hanukkah, and those of other holidays and other faiths would be welcome. Tolerance and understanding would be promoted, rather than avoided. The standard

would be that reflections of faith, meaning minority faiths as well as majority faiths, are clearly permitted, so long as it does not progress into advocating or promoting any particular faith.

#### SECTION-BY-SECTION REVIEW OF THE RFA

Preamble: "To secure the people's right to acknowledge God according to the dictates of conscience: . . ."

The preamble has a purpose. As former Chief Justice Story described the nature of a constitutional preamble, "Its true office is to expound the nature and extent and application of the powers actually conferred by the Constitution, and not substantively to create them."<sup>26</sup> The preamble to H.J. Res. 78 serves principally to indicate intent, to assist in interpreting the substantive provisions.

The concept of this particular preamble is attributed chiefly to Forest Montgomery, legal counsel for the National Association of Evangelicals. There is nothing unique or unusual, however, to have constitutional language which expressly mentions God. Such language is the rule, and not the exception, in our state constitutions.

Critics of this mention of God should review the constitutions of our 50 states. Through these, the American people have freely embraced attitudes very different from those expressed by the U.S. Supreme Court. All fifty of our states<sup>27</sup> have adopted express and explicit mentions of God in their constitutions or preambles. The attached Appendix details the express language, from each of the states.

In Alaska, the constitution states that its citizens are "grateful to God and to those who founded our nation . . . , in order to secure and transmit to succeeding generations our heritage of political, civil and religious liberty". In Colorado, theirs reads, "with profound reverence for the Supreme Ruler of the Universe." Idaho states, "grateful to Almighty God for our freedom," which is the identical phrase used by California, and Nebraska, and New York, and Ohio, and Wisconsin. Pennsylvania phrases it as "grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance."

Some go even farther. Maryland's Article 36 declares "the duty of every man to worship God." Maryland's constitution further states that nothing in it shall prohibit references to God or prayer "in any governmental or public document, proceeding, activity, ceremony, school, institution, or place" and declares that those things are not considered to be an establishment of religion. Virginia's refers to the "duty which we owe to our Creator" and to the "mutual duty of all to practice Christian forbearance, love and charity."

These references to God are typical of our state constitutions.

Just as America adopted "In God We Trust" as our national motto, the states have mottoes, often incorporated on their state seals. Arizona's seal states, "Ditat Deus", meaning "God Enriches." Florida's seal states, "In God We Trust." Ohio doesn't put it on a seal, but proclaims its motto, "With God, All Things Are Possible."<sup>28</sup>

The Religious Freedom Amendment echoes the philosophy found in our state constitutions, namely that faith guided the creation of America's common principles and ideals, and faith is at the core of preserving them. It tracks the essence of the Declaration of Independence, wherein our Founding Fathers proclaimed that our rights come not from government, but from God, declaring, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain

unalienable Rights; that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men."

The Religious Freedom Amendment also applies a phrase common to many of the original state constitutions: "according to the dictates of conscience". Virginia used it in 1776 as part of its Declaration of Rights, proclaiming, "all men are equally entitled to the free exercise of religions, according to the dictates of conscience." It appeared with slight variations in the original constitutions of Delaware, New Jersey and North Carolina (all 1776), Vermont (1777), Massachusetts (1780) and New Hampshire (1784). Today, this phrase of "according to the dictates of conscience" is echoed in the constitutions of 28 states—Arkansas, Connecticut, Delaware, Georgia, Indiana, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia and Wisconsin.

It must always be stressed that the Religious Freedom Amendment is not intended to override the First Amendment's prohibitions on establishing any religion as a state religion and on creating official status for any set of beliefs. The RFA would not do this. The preamble's inclusion of the phrase, "according to the dictates of conscience," is the first of multiple protections within the Religious Freedom Amendment to safeguard the rights of religious minorities.

The term "according to the dictates of conscience" does not, however, protect lewd behavior under the claim or pretense of religion. Although worded in absolutist fashion, the First Amendment nevertheless yields when necessary to avoid "substantial threat to public safety, peace, or order".<sup>29</sup> The courts have determined that free exercise of religion is not a license to disregard general statutes on behavior, such as those against advocating violent overthrow of the government,<sup>30</sup> outlawing polygamy<sup>31</sup>, use of illegal drugs<sup>32</sup>, prostitution<sup>33</sup>, and even snake-handling<sup>34</sup>. The right to free speech does not permit shouting "Fire!" in a public theater<sup>35</sup>, or wanton and intentional libel and slander<sup>36</sup>. Free speech does not give students a right to interrupt and usurp class time to speak whenever they want about whatever they want. Neither does the RFA. The RFA would not permit or sanction disruptive behavior by those wishing to pray or to speak about religion. It does not open public schools to anyone who might wish to enter to bring in their own religious message. Trespass remains trespass. The RFA simply permits religious openness by those students who have a right (and usually a legal obligation) to attend school.

"The people's right" is a right held both by individuals and as a collective group. The RFA does not, however, create a mechanism for government officials to begin dictating wholesale inclusion of religious symbols for constant or incessant display on public property, because they would remain bound by the First Amendment's prohibition against establishing an official religion via government! The RFA simply shifts the boundary, away from exclusionism and into greater accommodation, but stops well short of actual endorsement of religion. It provides a check upon the court challenges which have erroneously equated and confused accommodation and recognition with endorsement.

The RFA would correct the trend of using the Establishment Clause to run roughshod over the Free Exercise Clause. The First Amendment consciously established a tension by stating not only what government could not do, but also stating what the people could do. Our courts have instead used it



to halt voluntary religious expressions by citizens, individually and collectively, whenever government has some connection.

Because the scope and intrusiveness of government into all aspects of American society has grown so rapidly, it has become all-pervasive, making it a rare occasion when there is no presence of government. Accordingly, the judicially-created "wall of separation" has become a moving wall. As the presence of government constantly expands, this standard crowds out opportunities for religion to be present and to flourish. As shown by the recent ruling in *City of Boerne v. Flores*, Archbishop<sup>37</sup> even a church's ability to have room to seat its worshippers is subjected to government control. This was never the intention of our Founding Fathers.

The RFA's preamble stresses our shared belief that government should accommodate and protect religious freedom, but it simultaneously stresses that government should not and must not dictate in regard to religion. By concluding with the safeguard of "according to the dictates of conscience," the preamble assures that as it protects religious expression in public places, it nevertheless cannot be used to dictate expression or non-expression of beliefs, nor can it be used to favor one religious faith over another.

Protecting religious expression: "Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed...."

#### NEVER AN OFFICIAL CHURCH

This phrase draws a clear boundary beyond which government cannot go. No public property occasion which recognizes religious beliefs, heritage or tradition, and no such exercise of the right to pray shall rise to the level of denoting any religion as official. This follows the intent of the drafters of the First Amendment, as understood by now-Chief Justice William Rehnquist and related in his opinion in *Wallace v. Jaffree*:

"The evil to be aimed at, so far as [its drafters] were concerned, appears to have been the establishment of a national church, and perhaps the preference of one religious sect over another, but it was definitely not concern about whether the Government might aid all religions evenhandedly."<sup>38</sup>

Government should accommodate America's faiths, and the emphasis they have always received in this nation's life, but should not be promoting any one faith in particular. For example, the RFA would not permit government to proclaim officially that the United States is a "Christian nation", nor a "Jewish nation," "Muslim nation," nor that of any other particular faith. But the supposed accommodation under current rulings is typically a pretense, the functional equivalent of no accommodation at all.

The proper standard of accommodation was described by then-Chief Justice Warren Burger, in his dissent to *Wallace v. Jaffree*, 472 U.S. 38, at 90:

"The statute [permitting a moment of silence, and thus silent prayer, in Alabama's public schools] 'endorses' only the view that the religious observances of others should be tolerated and, where possible, accommodated. If the government may not accommodate religious needs when it does so in a wholly neutral and noncoercive manner, the 'benevolent neutrality' that we have long considered the correct constitutional standard will quickly translate into the 'callous indifference' that the Court has consistently held the Establishment Clause does not require.

"The Court today has ignored the wise admonition of Justice Goldberg that 'the measure of constitutional adjudication is the ability and willingness to distinguish between real threat and mere shadow.'"

The language to permit religious expression on public property is the first corrective segment of the RFA; the second is the portion dealing with non-discrimination.

The text of the RFA uses the two-part structure employed by the First Amendment, intended to balance freedom from state-imposed religion (via the so-called Establishment Clause, "Congress shall make no law respecting an establishment of religion . . .") with freedom of religion (via the so-called Free Exercise Clause, "or prohibiting the free exercise thereof"). The RFA likewise echoes the prohibition on an official religion, then follows it with language clearly indicating that the intent is not to restrict religion, but to maximize it. The RFA's terms are necessarily more explicit than the First Amendment, as a necessity to correct court rulings of recent years.

The RFA reflects former Chief Justice Warren Burger's comments about how government should accommodate expressions of religious tradition, heritage and belief. As he wrote in *Lynch v. Donnelly*, 465 U.S. 668, at 675 (1984) (and before *Lynch* was undercut by a later 5-4 ruling):

"[t]here is an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life from at least 1789" and that there are "countless . . . illustrations of the Government's acknowledgment of our religious heritage and governmental sponsorship of graphic manifestations of that heritage." These included, in part:

"—invocations of Divine guidance in deliberations and pronouncements of the Founding Fathers and contemporary leaders;

"—George Washington's designation of a religiously-toned Thanksgiving, which 80 years later was made a national holiday;

"—the designation of Christmas as a national holiday and the grant of paid leave to public employees on that day;

"—Presidential proclamations commemorating other religious events, such as the Jewish High Holy Days;

"—Usage of 'In God We Trust' as a national motto, and on coins and currency;

"—Display of religious paintings in publicly-supported art galleries [to which he could have added the religious overtones of many of the depictions in Statuary Hall in the U.S. Capitol itself]."

#### WHO ARE "THE PEOPLE"?

The word "people" was purposefully chosen rather than specifying simply "a person's right" or "every person's right" to pray, and to recognize religious tradition, heritage or belief. In speaking of "the people's right", the RFA embodies "people" in both the individual and the collective meaning of the word. This is consistent with the dual usage already employed by Constitutional references to "the people."

In its Preamble, the Constitution opens with "We the People", thus referring to the collective conduct of the American people acting to create their government.

The First Amendment uses an obviously collective sense of "people" when it proclaims "the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

The Fourth Amendment employs it to indicate individual rights in protecting "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."

The Ninth and Tenth Amendments make obvious reference to the collective rights of

the people, using their instrumentality of government, in specifying that "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." and that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

#### PROTECTING KEY DECISIONS

The RFA is also intended to preserve and protect the precedential value of Supreme Court decisions favorable to religious freedom and to even-handed treatment of religion, namely *Marsh v. Chambers*, 463 U.S. 783 (1983) and *Rosenberger v. Rector and Visitors of the University of Virginia*, 115 S. Ct. 2510 (1995). Without the RFA, the future of these precedents is problematical, because they are isolated exceptions to the trends of the Supreme Court in other religious freedom cases. Their viability and precedential value is subject to sudden change by the Court, absent the RFA.

The RFA also cements the precedent of another series of Supreme Court decisions, relating to government providing of benefits to students who are in parochial schools. That ruling, in the 5-to-4 decision in *Agostini v. Felton*, is discussed as part of the "benefits" clause of the RFA, later in this document.

*Marsh v. Chambers*, 463 U.S. 783 (1983), by 6-to-3 upheld the constitutionality of prayers by a government-paid chaplain, at the opening of legislative sessions.<sup>39</sup> *Rosenberger* by a 5-to-4 Court margin directed that when a public university funded other student publications, it could not refuse to assist one with a Christian association.

These decisions in *Marsh v. Chambers* and *Rosenberger v. Rector* are protected by the Religious Freedom Amendment, guarding them from the vagaries of back-and-forth shifting margins on the Supreme Court.

#### PROTECTING RIGHTS OF THE PEOPLE

H.J. Res. 78 does not seek to protect religious rights simply by restricting the power of government; it also proclaims an affirmative right of the people themselves. The Bill of Rights and other Constitutional amendments have likewise used both approaches to establish and protect rights of the people.<sup>40</sup> The Religious Freedom Amendment expressly declares the rights of the people, to make its intent clearer to the courts. (But, as previously noted, the absolutist statement of an affirmative right does not impede reasonable requirements for the time, place and manner of speech. For example, the RFA does not give a student any right to disrupt class by spontaneously offering a prayer, just as the First Amendment does not give them any right to disrupt class by spontaneously launching into any other form of speech.)

"Public property" as used in the RFA is synonymous with "government property", but is not limited to real estate. In a proper case, it can for example address public property such as a city seal which contains a depiction of a community's heritage, traditions or beliefs. Thus, the limiting test is to assure that any role of government does not go beyond recognizing religious belief, heritage or tradition, and avoids becoming the promoting of any religion. The RFA does not repeal the Establishment Clause of the First Amendment, but interacts with it, restoring the former balance between the Establishment Clause and the Free Exercise Clause. Use of public property to go beyond the Equal Access Act, to go beyond recognition and into promotion of a religion would continue to run afoul of the Establishment Clause of the First Amendment.

Protecting individual conscience and minorities: "... Neither the United States nor

any State shall require any person to join in prayer or other religious activity, [or] prescribe school prayers. . . ."

The RFA does contain any language to overturn the First Amendment's prohibition on establishing an official religion, neither expressly nor impliedly. Nevertheless, it contains protective language as an extra safeguard to assure this. The RFA echoes the pattern of the First Amendment, with both a prohibition on establishing an official church, coupled with guarantees intended to assure maximum religious liberty.

No school prayer (nor any religious activity) could ever be mandatory; the RFA explicitly makes this clear. It demonstrates an abundance of caution and concern for religious freedom for all, in particular for any who may be in a minority in their area. It does not permit a large group to muzzle or suppress a small group; it does not permit a small group to muzzle or censor a large group. Nor does it permit anyone to compel prayer or other religious conduct by those who do not wish to participate.

Neither the federal nor state government could prescribe prayer. This covers both principal definitions of "prescribe". It could not "prescribe" prayers, in the sense that it could not direct that they occur; under the RFA, that initiative properly comes from students. Nor could government "prescribe" prayer, in the sense that it could not dictate the content of prayer.

This language reinforces the "according to the dictates of conscience" protection of the RFA's preamble.

The RFA effectively endorses and follows the standard applied by the Supreme Court in *West Virginia State Board of Education v. Barnette*.<sup>41</sup> There, the Court correctly ruled that no child could or should be compelled to say the Pledge of Allegiance. However, the Court did not create a right for an objecting student to prohibit their classmates from saying the Pledge.

Providing equal protection: ". . . [Neither the United States nor any State shall] . . . discriminate against religion, or deny equal access to a benefit on account of religion."

#### ENDING DISCRIMINATION AGAINST RELIGION

Religious symbols and religious behavior are treated by current court decisions as being automatically suspect when they occur on public property, or in association with a government activity or program.<sup>42</sup> But unlike the standard on religion, secular symbols, behavior, or activity are not pre-burdened. This discriminatory dual standard is prohibited by the RFA. The amendment does not prohibit positive accommodation of religion, such as non-profit tax treatment, but focuses instead to bar discrimination against religion.

The Congressional Research Service reported recently on 30 instances of federal statutes and regulations which assure that government does not subsidize religious practices of receiving organizations. But CRS also found an additional 51 federal statutes and regulations which disqualify religious organizations or adherents from neutral participation in generalized government programs.<sup>43</sup> This discrimination needs correction.

There is a growing recognition that faith-based programs can succeed, winning results even when other programs cannot, to combat crime and violence, teen pregnancy, welfare dependency, recidivism, and other social problems. To disqualify them because of their religious component not only violates the notion of neutrality, but denies assistance to a great many Americans.

#### NEUTRALITY REGARDING BENEFITS-PROTECTING FRAGILE PRECEDENTS

The "benefits" provision of the RFA reflects and protects (among other policy deci-

sions) two recent Supreme Court decisions. Both were decided by 5-4 margins, in an area where the Court still shifts back-and-forth, unless the RFA provides an anchor to preserve these fragile rulings.

The first of these protected holdings is *Rosenberger v. Rector and Visitors of the University of Virginia*, 115 S.Ct. 2510 (1995), holding it impermissible viewpoint discrimination to exclude student religious publications from the University's general subsidy of student publications. The Court concluded that free speech itself was threatened if religious speech were singled out for different treatment:

"The governmental program at issue is neutral toward religion. Such neutrality is a significant factor in upholding programs in the face of Establishment Clause attack, and the guarantee of neutrality is not offended where, as here, the government follows neutral criteria and even-handed policies to extend benefits to recipients whose ideologies and viewpoints, including religious ones, are broad and diverse."

The RFA also reflects the philosophy embodied—by a bare margin—in *Agostini v. Felton*, No. 96-552 (June 23, 1997). *Agostini* by 5-4 reversed a prior ruling on the same issue (a ruling in *Agular v. Felton*, 473 U.S. 402 (1985)), which likewise was decided by 5-4). The Court justified the reversal because the Court had also reversed two prior opinions on crucial points. Those cases likewise turned on margins of 5-4 in one instance<sup>44</sup> and also 5-4 in the other!<sup>45</sup> What the Court gives, the Court can take away tomorrow, especially on 5-4 decisions! The RFA protects these important decisions from such judicial schizophrenia.

In *Agostini v. Felton*, the Supreme Court ruled that New York City may use federal Title I funds to provide special teachers on the premises of parochial schools, to give supplemental and remedial instruction to disadvantaged children.<sup>46</sup>

The Court opined that there were sufficient safeguards to assure that sectarian schools would not have a profit motive to provide religious instruction. It added:

"First, the Court has abandoned *Ball's* presumption that public employees placed on parochial school grounds will inevitably inculcate religion or that their presence constitutes a symbolic union between government and religion. *Zobrest v. Catalina Foothills School Dist.*, 509 U.S. 1, 12-13. No evidence has ever shown that any New York City instructor teaching on parochial school premises attempted to inculcate religion in students. Second, the Court has departed from *Ball's* rule that all government aid that directly aids the educational function of religious schools is invalid. Other Establishment Clause cases before and since have examined the criteria by which an aid program identifies its beneficiaries to determine whether the criteria themselves have the effect of advancing religion by creating a financial incentive to undertake religious indoctrination. Cf. e.g., *Witters*, supra, at 488; *Zobrest*, supra, at 10. Such an incentive is not present where, as here, the aid is allocated on the basis of neutral, secular criteria that neither favor nor disfavor religion, and is made available to both religious and secular beneficiaries on a nondiscriminatory basis."

#### NEUTRALITY REGARDING BENEFITS-PROTECTING CURRENT POLICIES

In addition to the Supreme Court precedents of *Rosenberger* and of *Agostini*, the "benefits" provision of the RFA protects other current policy. For example, the RFA's "benefits" provision protects these existing programs: Over a billion dollars each year in federal grants goes to Catholic Charities USA for various social services, ranging from

shelters for the homeless, to aid to refugees and to unwed mothers. Over a billion dollars each year is spent on GI Bill education benefits, over \$7-billion to federal Pell Grants to students, \$23-billion a year in federally-guaranteed student loans, and \$17-billion a year in direct lending to students, all of which may be used at private and church schools, as well as at public schools.

The RFA does not permit any appropriation or other funding for religious activities. Government funding for a religious purpose would still be banned by the prohibition on official religion found both in the First Amendment and in the RFA. However, once a government program was established, to accomplish a governmental purpose, participants could not be disqualified on the basis of religion or religious affiliation.

Other illustrations of the current problem (and the not-clearly-settled law in light of 5-4 Supreme Court rulings):

—Although the case was ultimately settled, the Federal Communications Commission denied a federal grant to Fordham University, because its campus station included a religious program on Sunday mornings. The federal district court<sup>47</sup> sided with the FCC that Fordham was disqualified by supposed church-state considerations. The RFA will prevent such injustices in the future.

—Provisions of state constitutions have been used to deny using general benefit programs when there was any connection with a religious institution. Again, the RFA will rectify this, because it applies at both the federal and the state levels.<sup>48</sup>

—After the Oklahoma City bombing, it was reported that HUD attorneys almost denied nearby churches the ability to receive bombing repair money, on the same basis as other damaged property, because of "separation of church and state" concerns. Again, the RFA protects the ability to participate on an equal and non-discriminatory basis.

The "benefits" language does not guarantee any benefit to any person or group. Instead, it assures "equal access" *if and when* some benefit is made available for a permitted governmental purpose. For example, the RFA does not create a program of vouchers for education. *If* and when a unit of government chose to create them, however, the RFA would simply assure that all individuals and private entities are afforded equal access to them. This is the identical standard already utilized in federal student loan programs and the G-I Bill.

Private institutions, including those affiliated with churches, should be permitted to participate under the same standards as public institutions. For example, neither the University of Notre Dame nor Boston College are disqualified from federal education programs for being Catholic, nor is any other school disqualified on the basis of religion. This is a proper standard which has proven workable, which should be applied uniformly, and which should be protected from the uncertainty of the Supreme Court rulings in this area.

#### CONCLUSION

Rather than promoting understanding, recent decades of current Supreme Court decisions have promoted the opposite. A correct standard of tolerance would accept the benefits of listening respectfully to other views, rather than using the courts to silence them.

As four current Supreme Court justices have expressed:<sup>49</sup>

"... nothing, absolutely nothing, is so inclined to foster among religious believers of various faiths a toleration—no, an affection—for one another than voluntarily joining in prayer together, to the God whom they all worship and seek. Needless to say, no one should be compelled to do that, but it

is a shame to deprive our public culture of the opportunity, and indeed the encouragement, for people to do it voluntarily. The Baptist or Catholic who heard and joined in the simple and inspiring prayers of Rabbi Guterman on this occasion was inoculated from religious bigotry and prejudice in a manner that cannot be replicated. To deprive our society of that important unifying mechanism, in order to spare the nonbeliever what seems to me the minimal inconvenience of standing or even sitting in respectful nonparticipation, is as senseless in policy as it is unsupportable in law."

The wayward state of Supreme Court decisions has been decried by Chief Justice Rehnquist:

"George Washington himself, at the request of the very Congress which passed the Bill of Rights, proclaimed a day of 'public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many and signal favors of Almighty God.'" History must judge whether it was the father of his country in 1789, or a majority of the Court today, which has strayed from the meaning of the Establishment Clause."<sup>50</sup>

The American people have never accepted the Supreme Court's extra burdens levied against school prayer and against religious freedoms during the past 36 years. It has been 27 years since this House has acted upon the necessary constitutional amendment to correct this, and the time to remedy that is now. The Religious Freedom Amendment should be adopted.

#### APPENDIX

#### *References to God in State Constitutions & Preambles*

Alabama—"invoking the favor and guidance of Almighty God"

Alaska—"grateful to God and to those who founded our nation . . . in order to secure and transmit succeeding generations our heritage of political, civil, and religious liberty"

Arizona—"grateful to Almighty God for our liberties"

Arkansas—"grateful to Almighty God for the privilege of choosing our own form of government, for our civil and religious liberty"

California—"grateful to Almighty God for our freedom"

Colorado—"with profound reverence for the Supreme Ruler of the Universe"

Connecticut—"acknowledge with gratitude, the good providence of God"

Delaware—"Through Divine goodness, all men have by nature the rights of worshiping and serving their Creator according to the dictates of their own conscience."

Florida—"being grateful to Almighty God for our constitutional liberty"

Georgia—"relying upon the protections and guidance of Almighty God"

Hawaii—"grateful for Divine Guidance"

Idaho—"grateful to Almighty God for our freedom"

Illinois—"grateful to Almighty God for the civil, political and religious liberty which He has permitted us to enjoy and seeking His blessing upon our endeavors"

Indiana—"grateful to Almighty God for the free exercise of the right to choose our own government"

Iowa—"grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings"

Kansas—"grateful to Almighty God for our civic and religious privileges"

Kentucky—"grateful to Almighty God for the civil, political, and religious liberties we enjoy"

Louisiana—"grateful to Almighty God for the civil, political, economic, and religious liberties we enjoy"

Maine—"acknowledging with grateful hearts the goodness of the Sovereign Ruler of the universe in affording us an opportunity, so favorable to the design; and exploring God's aid and direction in its accomplishments, do agree"

Maryland—"grateful to Almighty God for our civil and religious liberty"

Massachusetts—"acknowledging with grateful hearts, the goodness of the great Legislator of the Universe, in affording us, in the course of His providence, and opportunity"

Michigan—"grateful to Almighty God for the blessings of freedom"

Minnesota—"grateful to God for our civil and religious liberty"

Mississippi—"grateful to Almighty God, and invoking blessings of freedom"

Missouri—"with profound reverence for the Supreme Ruler of the Universe, and grateful for His goodness"

Montana—"grateful to Almighty God for the blessings of liberty"

Nebraska—"grateful to Almighty God for our freedom"

Nevada—"Grateful to Almighty God for our freedom in order to secure its blessings"

New Hampshire—"unalienable right to worship God according to the dictates of conscience"

New Jersey—"grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure . . ."

New Mexico—"grateful to Almighty God for the blessings of liberty"

New York—"grateful to Almighty God for our Freedom"

North Carolina—"grateful to Almighty God, the Sovereign Ruler of Nations"

North Dakota—"grateful to Almighty God for the blessings of civil and religious liberty"

Ohio—"grateful to Almighty God for our freedom"

Oklahoma—"Invoking the guidance of Almighty God"

Oregon—"to worship Almighty God"

Pennsylvania—"grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance"

Rhode Island—"grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors"

South Carolina—"grateful to God for our liberties"

South Dakota—"grateful to Almighty God for our civil and religious liberties"

Texas—"Humbly invoking the blessings of Almighty God"

Tennessee—"to worship Almighty God"

Utah—"Grateful to Almighty God for life and liberty"

Washington—"grateful to the Supreme Ruler of the Universe for our liberties"

West Virginia—"Since through Divine Providence we enjoy the blessings of civil, political and religious liberty . . . reaffirm our faith in and constant reliance upon God . . ."

Wisconsin—"grateful to Almighty God for our freedom"

Wyoming—"grateful to God for our civil, political, and religious liberties"

Vermont—"to worship Almighty God"

Virginia—" . . . duty which we owe to our Creator . . . mutual duty of all to practice Christian forbearance, love, and charity"

#### FOOTNOTES

<sup>1</sup>Although the Judiciary Committee in 1971 refused to report any of several proposed prayer amendments, a discharge petition sponsored by Ohio Rep. Wylie successfully compelled a floor vote. Thereafter, on November 8, 1971, the language voted

upon read, "Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in voluntary prayer or meditation." The vote was 240-162, falling 28 votes short of the necessary two-thirds majority needed, of the 402 House Members who voted.

<sup>2</sup>Sen. Dirksen of Illinois led the effort which promoted this language. "Nothing contained in this Constitution shall prohibit the authority administering any school, school system, educational institution or other public building supported in whole or in part through the expenditure of public funds from providing for or permitting the voluntary participation by students or others in prayer. Nothing contained in this article shall authorize any such authority to prescribe the form or content of any prayer." A vote on September 19, 1966, resulted in a 51-36 favorable vote to substitute this for other text, but the final vote of 49-37 was nine votes short of the two-thirds needed.

<sup>3</sup>During floor action on the proposed Equal Rights Amendment, Sen. Baker of Tennessee proposed adding this text to the ERA, "Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer." By 50-20, the text was added to the then-pending ERA. However, this plus another successful amendment, to exempt women from the military draft, were seen more as anti-ERA maneuvers than anything else, and final passage of the ERA (with this language added) was blocked at that time.

<sup>4</sup>A Reagan Administration initiative, S.J. Res. 73, was revised in committee to read, "Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any state to participate in prayer. Neither the United States nor any state shall compose the words of any prayer to be said in public schools." On March 20, 1984, the vote on this language was 56-44, falling 11 votes shy of the two-thirds needed.

<sup>5</sup>"School Prayer: The Congressional Response, 1962-1996", by David M. Ackerman, Legislative Attorney, American Law Division, October 16, 1996.

<sup>6</sup>This differs slightly from the language of H.J. Res. 78 as originally introduced. As introduced, the RFA read as follows:

"To secure the people's right to acknowledge God according to the dictates of conscience: The people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. The government shall not require any person to join in prayer or other religious activity, initiate or designate school prayers, discriminate against religion, or deny equal access to a benefit on account of religion."

<sup>7</sup>Excerpted from Chief Justice Rehnquist's dissent in *Wallace v. Jaffree*, 472 U.S. 38 (1985).

<sup>8</sup>For example: Government runs most schools, with laws to compel attendance, and requires taxes to support those schools, even from those who pay to send their children to private schools. Charitable works, once the primary domain of the religious sector, now are dominated by government programs. The largest portion of American health care is paid in some way by a unit of government. Government runs most of the public welfare system, and massive quantities of public housing.

<sup>9</sup>Rehnquist commented at great length in his dissent to the graduation prayer case of *Wallace v. Jaffree*, 472 U.S. 38 (1985):

"Thirty-eight years ago this Court, in *Everson v. Board of Education*, 330 U.S. 1, 16 (1947) summarized its exegesis of Establishment Clause doctrine thus: 'In the words of Jefferson, the clause against establishment of religion by law was intended to erect 'a wall of separation between church and State.' Reynolds v. United States, [98 U.S. 145, 164 (1879)]."

"This language from Reynolds, a case involving the Free Exercise Clause of the First Amendment rather than the Establishment Clause, quotes from Thomas Jefferson's letter to the Danbury Baptist Association the phrase 'I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between church and State.' 8 Writings of Thomas Jefferson 113 (H. Washington ed. 1861).

"It is impossible to build sound constitutional doctrine upon a mistaken understanding of constitutional history, but unfortunately the Establishment Clause has been expressly freighted with Jefferson's misleading metaphor for nearly forty years. Thomas

Jefferson was of course in France at the time the constitutional amendments known as the Bill of Rights were passed by Congress and ratified by the states. His letter to the Danbury Baptist Association was a short note of courtesy, written fourteen years after the amendments were passed by Congress. He would seem to any detached observer as a less than ideal source of contemporary history as to the meaning of the Religions Clauses of the First Amendment."

Chief Justice Rehnquist thereafter presents a detailed account of the actual history of the development of the First Amendment's language on religious freedom.

<sup>10</sup>Although it is the most-often used, this is not the only catch-phrase that is used to mislead in debate on these issues. The terms of "state-sponsored" prayer, and of "captive audience" are also misused often.

The term "state-sponsored" prayer is invoked to include situations when a school or government official simply permits prayer to occur, even when student-initiated. Thus, in the 1997 Alabama federal court ruling, *Chandler v. James*, CV-96-D-169-N (Middle District of Alabama), U.S. District Judge Ira Dement (at pages 7 & 8) permanently enjoined the schools from "permitting prayers, Biblical and scriptural readings, and other presentations or activities of a religious nature, at all school-sponsored or school-initiated assemblies and events (including, but not limited to, sporting events), regardless of whether the activity takes place during instructional time, regardless of whether attendance is compulsory or noncompulsory, and regardless of whether the speaker/presenter is a student, school official, or nonschool person."

The "captive audience" notion is never used to express concern for the majority of students, who are required to be in school, yet required to leave their normal religious expressions behind while they are there—which is the largest segment of their waking day. As Justice Potter Stewart noted in his dissent in *Abington v. Schemp*, "a compulsory state educational system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and state-created disadvantage. Viewed in this light, permission of such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion."

<sup>11</sup>*Engel v. Vitale*, 370 U.S. 421 (1962).

<sup>12</sup>The pertinent portion of *Engel* stated, "Neither the fact that the prayer may be denominationally neutral nor the fact that its observance on the part of the students is voluntary can serve to free it from the limitations of the Establishment Clause, as it might from the Free Exercise Clause, of the First Amendment, both of which are operative against the States by virtue of the Fourteenth Amendment." To this Justice Stewart wrote in dissent, "With all respect, I think the Court has misapplied a great constitutional principle. I cannot see how an 'official religion' is established by letting those who want to say a prayer say it. On the contrary, I think that to deny the wish of these school children to join in reciting this prayer is to deny them the opportunity of sharing in the spiritual heritage of our Nation."

<sup>13</sup>*Abington School District v. Schemp*, 374 U.S. 203 (1963).

<sup>14</sup>*Wallace v. Jaffree*, 472 U.S. 38 (1985).

<sup>15</sup>at 505 U.S. 632.

<sup>16</sup>at 505 U.S. 635-636.

<sup>17</sup>*Stone v. Graham*, 449 U.S. 39 (1980).

<sup>18</sup>at 449 U.S. 42.

<sup>19</sup>at 449 U.S. 45-46.

<sup>20</sup>*McCollum v. Board of Education*, 333 U.S. 203 (1948).

<sup>21</sup>*Lemon v. Kurtzman*, 402 U.S. 603 (1971).

<sup>22</sup>*County of Allegheny v. ACLU*, Greater Pittsburgh Chapter, 492 U.S. 573 (1989).

<sup>23</sup>*Lynch v. Donnelly*, 465 U.S. 668 (1984).

<sup>24</sup>In *R.A.V., Petitioner v. City of St. Paul*, Minnesota, 505 U.S. 377 (1992), the Supreme Court held that a "hate crimes" law banning cross-burnings and Nazi swastikas was unconstitutional on its face. In *National Socialist Party v. Skokie*, 432 U.S. 43 (1977), the Court upheld the right of neo-Nazis to parade with swastikas and anti-Semitic literature through the midst of a predominantly Jewish community.

<sup>25</sup>Justice Potter Stewart's dissenting comments in *Abington v. Schemp* provide an apt description of true neutrality, in contrast with the antagonism that can masquerade as neutrality. As he wrote, "It might also be argued that parents who want their children exposed to religious influences can adequately fulfill that wish off school property and outside school time. With all its surface persuasiveness, however, this argument seriously misconceives the basic constitutional justification for permitting the

exercises at issue in these cases. For a compulsory state educational system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and state-created disadvantage. Viewed in this light, permission of such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion."

<sup>26</sup>*Story*, Joseph, *Commentaries on the Constitution of the United States* (1833), Sec. 462.

<sup>27</sup>In testimony given in 1997 by Rep. Istook regarding the RFA, it was indicated that five states lacked a reference to God in their state constitutions. This was inaccurate. Corrective research indicates that the five 'missing' states—New Hampshire, Oregon, Tennessee, Vermont and Virginia, in fact do refer expressly to God in their state constitutions.

<sup>28</sup>Just as litigation is pending on many other fronts, challenging prayers at schools, graduations, football games, etc., it is also happening over the Ohio motto. Ohio is being sued to block any further use of this motto.

<sup>29</sup>*Sherbert v. Verner*, 374 U.S. 398 (1963).

<sup>30</sup>*Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969) holding it is not protected to advocate "imminent lawless action if likely to incite or produce such action". See also 18 United States Code, Sec. 2385, being the criminal code's prohibition of advocating violent overthrow of the government and related offenses.

<sup>31</sup>*Reynolds v. United States*, 98 U.S. 154 (1878).

<sup>32</sup>*Olsen v. Drug Enforcement Administration*, 878 F.2d 1458 (D.C. Cir. 1989), cert. den., 494 U.S. 906 (1990); *United States v. Rush*, 738 F.2d 457 (1st Cir. 1984), cert. den., 470 U.S. 1004 (1985); and *United States v. Middleton*, 690 F.2d 820 (11th Cir. 1982), cert. den., 460 U.S. 1051 (1983).

<sup>33</sup>*Tracy v. Hahn*, 940 F.2d 1536 (9th Cir. 1991).

<sup>34</sup>*Pack v. Tennessee*, 527 S.W. 2d 99 (Tenn. 1975), cert. den., 424 U.S. 954 (1976).

<sup>35</sup>*Schenck v. United States*, 249 U.S. 47, 52 (1919), wherein Justice Holmes wrote, "The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic."

<sup>36</sup>*New York Times v. Sullivan*, 376 U.S. 254, 279-280 (1964); *Curtis Publishing Co. v. Butts*, 388 U.S. 130 (1967).

<sup>37</sup>*City of Boerne v. Flores*, Archbishop, 521 U.S. —, 1997 WL 345322, June 25, 1997.

<sup>38</sup>*Wallace v. Jaffree*, 472 U.S. 38 (1985).

<sup>39</sup>A similar standard was enunciated in dissent by Justice Potter Stewart in *Engel v. Vitale*, who wrote that school prayer was not an "official religion," but simply an effort "... to recognize and to follow the deeply entrenched and highly cherished spiritual traditions of our Nation—traditions which come down to us from those who almost two hundred years ago." Justice Stewart then elaborated with numerous references to the statements and conduct of the Founding Fathers.

<sup>40</sup>The First Amendment prohibits Congress from making any law "respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech," etc. The Second Amendment says the affirmative right "of the people to keep and bear arms shall not be infringed." The Fourth Amendment sets forth "the right of the people" against unreasonable searches and seizures, and then limits the government's ability to issue warrants, except for probable cause. The Fourteenth Amendment gives citizenship to all persons born or naturalized in the U.S., then restricts the states with equal protection and due process requirements. These and other examples illustrate the duality of protections, both by establishing affirmative rights of the people, and by restrictions upon the conduct of government.

<sup>41</sup>*West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943).

<sup>42</sup>There is also lack of balance regarding which symbols are treated as suspect. Typically, only symbols of a majority faith, such as a Christian cross, are ordered to be removed. Yet many other emblems are used as symbols of different faiths. The thirteen stars on the Great Seal of the United States remain arranged as a Star of David, a symbol of the Jewish faith. Banning all symbols of a religion also becomes problematic because they are so numerous, and often are also used for other purposes. The swastika is a condemned symbol of Nazism to most, but also is a sacred symbol for many Hindus. A hammer is a symbol of Norse mythology, and small hammers were often worn on necklaces, akin to the practice of Christians wearing a cross pendant. Kites have religious symbolism in Japan. Beetles (scarabs) are religious symbols for Egyptian sun worship. A spokesman for Americans United for Separation of Church and State has even mentioned (although perhaps not seriously) banning witches from school Halloween displays, because of possible religious significance.

<sup>43</sup>March 18, 1996, report from American Law Division, Congressional Research Service.

<sup>44</sup>*Zobrest v. Catalina Foothills School District*, 509 U.S. 1 (1993), holding that providing a sign-language interpreter for parochial school students was not a First Amendment violation. As noted in *Agostini v. Felton*, the Supreme Court in *Zobrest* "abandoned Ball's presumption that public employees placed on parochial school grounds will inevitably inculcate religion or that their presence constitutes a symbolic union between government and religion."

<sup>45</sup>*School District of the City of Grand Rapids v. Ball*, 473 U.S. 373 (1985) had held it unconstitutional for a public school district to provide special supplemental classes at public expense to students located at places leased from private religious schools. It was not a "pure" 5-4 decision, in the sense that some justices concurred in part while dissenting in part. One key part of *Ball* was later reversed in the *Zobrest* case, once again by a 5-4 ruling. Another part of the 5-4 ruling of *Ball* was later reversed by the Court in *Witters v. Washington Dept. of Services for the Blind*, 474 U.S. 481.

<sup>46</sup>Despite discussing other grounds as dispositive, the *Agostini* decision was clearly motivated by a desire to permit the government to escape the \$100-million expense of providing state facilities adjacent to the religious schools, so the teaching would not be on the grounds of a church school. It can be questioned whether the 5-4 majority was acting to protect religious freedom, or to protect government purse strings.

<sup>47</sup>*Fordham University vs. Brown*, 856 F. Supp. 684 (D.C. Cir., 1994), appeal dismissed per stipulation 94-5229 (D.C. Cir., Jan 5, 1996).

<sup>48</sup>In *Witters v. Washington Department of Services for the Blind*, 474 U.S. 481 (1986), although the federal constitution (by a 5-4 Supreme Court ruling) was not used to deny vocational rehabilitation funds to an individual who desired to become a pastor, the state constitution was ultimately used to block this.

<sup>49</sup>*Scalia, Rehnquist, White and Thomas*, in their dissent in *Lee v. Weisman*, at 505 U.S. 646.

<sup>50</sup>*Wallace v. Jaffree*, 472 U.S. 38 (1985).

#### GOVERNING GOD

#### A JUDGE'S REFLECTIONS ON RELIGIOUS FREEDOM

(By Richard John Neuhaus)

Since his appointment to the Ninth Circuit Court of Appeals in 1986, John Noonan has provided ample evidence that he is one of the most distinguished minds in our federal judiciary. Earlier, as a law professor at Berkeley and the author of major studies on the connections between religion and law, he demonstrated that he is, above all, a historian of ideas. That demonstration continues with his most recent work, *The Lustre of Our Country*, which is a personal summing up of Noonan's reflections on what he believes to be America's most innovative and audacious contribution to world history—the free exercise of religion.

The book's title comes from Noonan's hero, James Madison, for whom "the whole burden of freedom was carried by the formula of free exercise." The First Amendment's commitment to the free exercise of religion, Madison wrote, "promised a lustre to our country." That commitment is expressed in merely sixteen words: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

But the interpretation of those words, more than any other aspect of contemporary jurisprudence, has cut to the heart of our understanding of the American experiment. Although his tone is generally irenic, Noonan leaves no doubt that the courts—and the Supreme Court in particular—have made a hash of the Religion Clause under the rubric of "church-state law."

An egregious error entrenched itself in the 1950s when the courts began speaking not of the Religion Clause but of two Religion Clauses—the no-establishment clause and the free-exercise clause. Predictably, the error has been compounded again and again as the "two clauses" have been pitted against each other, almost always to the detriment of free exercise. But as Noonan notes,

we are dealing with two prepositional phrases of one clause. "The first phrase assumed that establishments of religion existed as they did in fact exist in several of the states; the amendment restrained the power of Congress to affect them. The second phrase was absolute in its denial of federal legislative power to inhibit religious exercise." Over time, state establishments disappeared and the First Amendment was "incorporated" to apply also to the states, but always it should have been evident that there is one Religion Clause, devoted to the end of the free exercise of religion. No establishment is a stipulated means to serve that end. The jurisprudence of the last half century, however, has tended to turn the means into the end, repeatedly declaring that any connection, no matter how benign, between government and religion is a forbidden "establishment." The result is a court-imposed governmental indifference to religion that results in de facto governmental hostility to religion.

In regulating the activities of government, Noonan notes, the courts frequently pretend that they are not themselves part of government. But in fact, they are that part of the government that assumes that "the courts themselves are sacred." "Performing these tasks that they have determined to be allotted them by the First Amendment, the courts unself-consciously place themselves above any church or creed." And this is precisely what Madison was determined to avoid by declaring that citizens had a "prior obligation" and "natural right" to acknowledge a sovereignty higher than the sovereignty of the state. The genius of his innovation was to insist that, with respect to the exercise of that obligation and right, the government has no legitimate "cognizance."

The Founders were keenly aware that the free exercise of religion was qualitatively different from religious tolerance. "Tolerance," writes Noonan, "is a policy, an acceptance of religious difference because it's more trouble than it's worth to eliminate it, a prudential stance of wise statesmen. It is something else to inscribe in fundamental law an ideal of freedom for the human activity most potentially subversive of the existing order."

The free exercise of religion is most potentially subversive because it proclaims a sovereignty that "stands against the sovereignty of the state." Writes Noonan, "Each individual's religion 'wholly exempt' from social control? No qualifications whatever on the right and duty to pay homage to God as one sees fit? Surely, in the heat of battle, Madison exaggerates! No, his theological premises compel these radical conclusions."

The last point touches on a matter central to Noonan's argument, namely, that the free exercise of religion is, in the main, a religious achievement. This is explicitly proposed against the received wisdom that religious freedom—usually construed as tolerance—is the achievement of the secular Enlightenment against religion. In carrying this point, Noonan the historian is on impressive display.

*The Lustre of Our Country* is oddly contrived. It begins with an engaging autobiographical sketch of the Catholic author coming of age under the shadow of Puritan Boston. Noonan then examines the limits and contradictions embodied in the Puritan idea of religious freedom, to which he contrasts Madison's "original insight." A chapter is devoted to a fictional letter "discovered" by Noonan, written by Tocqueville's younger sister, who argues that her brother was right to view religion as "the foremost institution" of American democracy, but wrong in claiming that the "separation of church and state" is, in fact, the American

reality. Employing various literary techniques, sometimes eccentric but always fascinating, Noonan retells key cases in which the Supreme Court has tied itself into knots by regulating religion, with the result that it ends up in ludicrous efforts to adjudicate the sincerity and truth of religious claims—exactly the claims that Madison declared to be none of the government's business.

On the "subversive" dimension of free exercise, Noonan recalls four "crusades"—the abolition of slavery, the war against Mormon polygamy, the prohibition of alcohol, and the civil-rights movement under the leadership of Martin Luther King Jr. Curiously, he does not include a fifth crusade, that against the abortion license of *Roe v. Wade*, on which he has written elsewhere with great persuasive effect. In all this, Noonan leaves no doubt that the free exercise of religion is an idea potentially dangerous to the state. Yet Madison and most of the other Founders believed that the entire constitutional order, this *novus ordo seclorum*, was contingent upon taking that risk. Noonan worries that we Americans, with the courts in the lead, may now have lost our nerve for it. Implicit in that loss of nerve, he suggests, is an acceptance of Durkheim's view that religion is essentially a function of society, something to be used and tolerated to the extent that it serves "the sacred society."

Nonetheless, Noonan is by no means ready to give up. For all the missteps along the way, the American commitment to the free exercise of religion is still, he insists, a "success." Against what he views as the false humility of many Americans, he urges a forthright acknowledgment that religious freedom is this country's foremost contribution to the world's understanding of just government. In advancing that claim, he devotes chapters to four contrasting case studies: the French Revolution's affirmation and betrayal of the American idea of religious freedom; the American imposition of the idea on a defeated Japan; Russia's current and deeply flawed efforts to incorporate the idea; and the American influence in the Second Vatican Council's teaching on religious liberty.

The *Lustre of Our Country* is erudite and instructive, frequently whimsical and typically wise. Yet I expect that other readers will share my frustration with aspects of its argument. At times, Noonan seems to conflate freedom of religion with freedom of conscience. There are similarities, to be sure, there are also big differences. Freedom of conscience is easily reduced to radical individualism, ending up with what Noonan rightly deplores as the courts' common depiction of religion as a private aberration, to be tolerated insofar as it does not interfere with government purposes. This conflation also invites the subsuming of religious freedom into constitutional guarantees of freedom of speech and other provisions that ignore religion's necessarily subversive witness to a higher sovereignty. Noonan is apparently unhappy with the Supreme Court's recent striking down of the Religious Freedom Restoration Act—a decision that many viewed as tantamount to a repeal of the Religion Clause—but he offers no suggestion of other legislative remedies for judicial hostility to religion, a matter of some importance, as Congress is now working on another effort to produce such legislation.

Throughout the book, the reader is provoked to speculate about the assumptions underlying Noonan's judicial philosophy. He is clearly a "textualist," and also an "originalist," in his devotion to the radical intention of those responsible for the First Amendment. Yet at other time she seems to want judges to act as philosopher kings. His epilogue proposes "Ten Commandments" for people who deal with religious freedom, in-

cluding the admonition that "you shall know that no person, man or woman, historian or law professor or constitutional commentator or judge, is neutral in this matter." Fair enough. Noonan is right to insist that, where religion is concerned, imagination and empathy are required. "Can a judge be a pilgrim?" he asks. He answers in the affirmative. But as a judge, he should strive to read the law, to be objective, and, yes, to be neutral. Safety from judicial usurpation rests not so much in having judges who are better philosophers as in having judges who recognize that, as Madison would say, there are questions beyond their "cognizance."

Both suggestive and problematic is Noonan's persistent drawing of parallels between judicial interpretation and John Henry Newman's theory of "the development of doctrine." In this connection, he offers an extended treatment of the development of Catholic teaching on religious freedom at Vatican Council II. Clearly, Noonan has no use for the exponents of a "living Constitution," who declare, in effect, that the Constitution is dead because it means whatever the courts say it means. Just as clearly, there are parallels between what judges do and what church councils do. Both are involved in trying to comprehend a "sacred text" as it relates to current problems and understandings.

A crucial difference, however, and a difference on which Judge Noonan addressed more directly, is that church councils—at least in the Catholic understanding of things—are promised the guidance of the Holy Spirit.

But let me not leave the wrong impression. The questions and arguments provoked by *The Lustre of Our Country* testify to its great achievement. Judge Noonan understands, as very few judges and constitutional scholars do, the founding genius of the American experiment. He understands those sixteen words in the First Amendment—and persuasively explains why they continue to be this country's most innovative, audacious, and promising contribution to the world's understanding of the right ordering of political society.

[From U.S. News & World Report, May 4, 1998]

#### A RIGHTEOUS INDIGNATION

JAMES DOBSON—PSYCHOLOGIST, RADIO HOST, FAMILY-VALUES CRUSADER—IS SET TO TOPPLE THE POLITICAL ESTABLISHMENT

(By Michael J. Gerson)

On March 18, in the basement of the Capitol, 25 House Republicans met with psychologist James Dobson for some emotional venting. But this was not personal therapy; it concerned the fate of their party. Dobson, long on loyal radio listeners and short on patience, was threatening, in effect, to bring down the GOP unless it made conservative social issues, including abortion, a higher legislative priority. "If I go," he has said, "I will do everything I can to take as many people with me as possible."

In the audience sat some of Dobson's closest ideological allies. Rep. Steve Largent of Oklahoma, a former star football player, was a volunteer speaker for Dobson's organization, Focus on the Family, from 1990 to 1993. He credits this with "sparking my interest in public policy." Rep. James Talent of Missouri, years before, had pulled off the highway and prayed along with Dobson on the radio to become a Christian. "He is the instrument through which I committed my life to Christ. It is the single most important thing that has ever or will ever happen to me."

But for over two hours, until nearly midnight, House conservatives confronted Dobson about his indiscriminate attacks on the

Republican Party, asking credit for achievements he had ignored. At one point the wife of a congressman, in tears, explained how Dobson's broadside had hurt their family, inviting harsh questions from friends. An emotional Dobson, according to one witness, responded, "I'm so sorry I hurt you."

Sobered, Dobson canceled planned meetings with the *New York Times* and the *Washington Post*, where he would have laid out his threat to leave. But in the next two weeks, he sent lengthy, public letters renewing the threat, which hangs in the air like distant thunder at the Republican picnic.

This conflict dramatizes a growing gap between grass-roots conservatism and governing conservatism, between the raised expectations of activists and the weary realism of legislators. It reveals a party that may be crumbling, not at its periphery but at its center, among its most loyal supporters. And it may be signaling a major shift in the attitudes of Christian conservatives toward politics.

Many Republicans are taking Dobson's divorce threats very seriously. House Speaker Newt Gingrich has hosted several meetings with other House leaders to discuss Dobson's specific demands, which include defunding Planned Parenthood, requiring parental consent for abortions, and eliminating the National Endowment for the Arts. House Majority Leader Dick Armey has asked subcommittee chairmen to explore how Dobson's agenda could be advanced. But Dobson will not be easily appeased. Of the assurances he has been offered that his issues will be taken seriously, he says: "We've got to see the proof. . . . If they will not change, I will try to beat them this fall."

#### HIS FOCUS

Dobson is a central figure in Republican politics because he is the central figure in conservative Christianity. His radio and TV broadcasts are heard or seen by 28 million people a week. A core audience of 4 million listens to his *Focus on the Family* radio show every day. That gives him a greater reach than either Jerry Falwell or Pat Robertson at the height of their appeal. Dobson's most popular books have sold more than 16 million copies, and his other tracts and pamphlets have sold millions more. His organization, Focus on the Family, has a budget five times the size of the Christian Coalition's and gets so much mail it has its own zip code. His mailing list of over 2 million is one of the most potent organizing tools in the religious world.

But the 62-year-old Dobson is not a preacher or political activist. He is a psychologist, and his authority comes from an ability to connect with people right at the level of their problems. "His family advice is simply helpful, and he has a reputation for absolute integrity—standing for something and sticking to it," says Prof. John Green of the University of Akron, an expert on the religious right.

The effect is completed by the slight drawl of a country doctor, a radio voice that is at once effortless and authoritative. Its influence seems to surprise even him. "My voice is a friendly voice that comes into the home each day, somebody they know, somebody many of them trust. And it does become a king of friendship. It's a strange thing. I have a lot of women especially who write me and say, 'My father was not a father to me. . . . You've become a father to me,' which is interesting when you consider I've never met them."

Dobson is very much the son, grandson, and great-grandson of Nazarene evangelists, a denomination known both for moral sternness—no movies or makeup—and for the emotional openness of the camp meeting.

This is the evangelicalism of the quivering lip, the arm around the shoulder, the lump in the throat, the easy tear. Though he might resent the comparison, Dobson displays a Clinton-like emotional connection, particularly with women, who make up the vast majority of his audience. He accepted the Nazarene faith at the age of 3 and never rebelled against it, though, like many of his generation of Nazarenes, he abandoned its more rigid prohibitions against pop culture.

As an only child, Dobson was "spoiled rotten," recalls old friend Mike Williamson. "His family doted over him." And Dobson developed a particularly close relationship with his father, who combined the moral rigor of a preacher with the softer traits of an artist. (He was a serious painter.) "He was a gentle man, a kind man, an easy touch, but outraged toward sin," Dobson says. "He had an abhorrence of that which offended God, and a lot of what I feel today reflects that."

Dobson might have been expected to go into the ministry himself. But Nazarene ministry must be inspired by a very special calling from God, and Dobson never felt it. He went instead to a Nazarene school in California, Pasadena College, and then to the graduate program in psychology at the University of Southern California. There he found himself interested in the science of child development, and he spent 14 years as a professor of pediatrics at the USC School of Medicine and 17 years on the attending staff at Children's Hospital at Los Angeles.

In the middle of his career, Dobson was hungry for broader influence on the issue he cared about most: child rearing. He hired an agent and began lecturing. And he also published a book in 1970 titled *Dare to Discipline*. It sold 3 million copies and established his national reputation. Dobson, who has written 15 other books, is a critic of permissive parenting. He stresses the idea that kids need boundaries to develop self-esteem and self-confidence. Children's behavior can be conditioned by the judicious use of rewards and punishments. He believes spanking is permissible, but only between 18 months and 8 years, and never by anyone with a history of abuse or a violent temper. But he also argues that rules without relationship lead to rebellion. So parents, while firm, should be emotionally accessible to their children.

Dobson stresses the need for fathers to be fully engaged in the life of their family, in contrast to the distant breadwinners of the past. His film on the subject, *Where's Dad?*, had a profound effect, for example, on Rep. Frank Wolf of Virginia. "That film, that day, changed my life. After that, I never went to a political event on Sunday, not when asked by George Bush or Ronald Reagan. I dedicated myself to spending more time with [the children]. My kids joke about B.D. and A.D.—before Dobson and after Dobson."

The psychologist's method is a mix of traditional parenting, biblical insights, and basic psychology—a traditionalism humanized by common sense and flexibility. His advice to a mother and 12-year-old daughter fighting bitterly over whether the young girl should be allowed to shave her legs: "Lady, buy your daughter a razor!" His counsel on masturbation: "Attempting to suppress this act is one campaign that is destined to fail—so why wage it?" He urges discipline for big issues and tolerance on the smaller stuff.

When demand for Dobson as a speaker began to steal time from his own two children, he quit his job at Children's Hospital of Los Angeles in 1977 and started his radio program. Two years later, he summarized his parenting views in a seven-part *Focus on the Family* video series, which has now been seen by 70 million people. Rapid growth car-

ried the ministry through five headquarters buildings and from California to Colorado Springs, where 1,300 people work in the \$113 million enterprise.

Focus provides answers to those seeking advice. It is also the center of a pro-family culture that is a kind of parallel universe to mainstream popular culture. There are monthly magazines for pre-schoolers, grade schoolers, teen boys, and teen girls. Glossy, frank, and helpful, they have articles like "Battle of an Anorexic," "Back-to-School Fashion," and "Spiritual Growth Boosters." Other magazines go to single parents, teachers, physicians, and pastors. Focus's second-most-popular production—after Dobson's daily radio program—is *Adventures in Odyssey*, a children's radio drama with moral story lines that is carried on over 1,500 radio stations. There are women's seminars and "Life on the Edge" seminars, designed to help parents and teens communicate about the challenges of adolescence. A new abstinence video, titled *No Apologies*, combines MTV production techniques, biblical values, and the explicitness of an Army VD training film. Teens who have already had sex are urged to be "recycled virgins." It is countercultural, urging children to rebel against the slipshod moral world around them by displaying virtue.

Most of the Focus operation, which receives up to 12,000 letters, calls, and E-mails every day, is occupied with "constituent service." In one pile of counseling requests at a random Focus cubicle, a long-distance trucker asks how to keep his family together when he is always gone; a woman deals with a miscarriage; a divorced man asks if it is OK to remarry. Prototype responses, drawn from Dobson's vast output of advice, guide counselors. All incoming letters are stored by computer, so the next time these people write, the dialogue will pick up where it left off. Focus does not just answer mail; it maintains relationships. Some hard cases are referred to licensed counselors. Some people are offered temporary financial help. They deal with one or two suicide threats a week.

Dobson's reach grows each day. At a recent weekly meeting of the Focus "cabinet"—Dobson plus his senior executives—there were reports on the translation of Focus broadcasts into Zulu. On how three Central and South American countries were putting Focus abstinence material into their public schools. On how *Adventures in Odyssey* is now one of the top five radio programs in Zimbabwe. On how 500 state-owned radio stations in China are about to begin the Focus broadcast.

When it comes to the business of helping people, Dobson the empathetic extrovert has a reputation as an intimidating micro-manager. No one, no matter how long or loyal their service, is exempt from confrontational scrutiny. "I saw people who had given blood [serving] him come out of his office weeping," says a former employee. "He believes so strongly in his righteousness." Another former employee says "the pace [at Focus] is unbelievable. But everyone has to appear perfectly happy."

At the center of it all is a man who does not lack confidence. He tells a story about his ill father, who prayed for three days and nights without sleep that his time on Earth would be extended so he could finish his work as a minister. At dawn, Gold told him he was going to reach millions around the world—not through himself but through his son. The next day Dobson's father suffered a major heart attack; he died in a few weeks. "I saw for the first time," says Dobson, "why [Focus on the Family] seemed charmed—beyond my ability and beyond my intelligence,

my academic knowledge, my ability to communicate." This is the person who has chosen to test his influence against the Republican Party. He does not describe his actions as those of a man moved by grubby ambition; he sees it as a calling.

#### POLITICS AND PROPHECY

Dobson was once positioned to be a more conservative version of Joyce Brothers. "If I had simply stayed on those [family] themes, I could have moved with ease through all denominations in both political parties. But I care about the moral tone of the nation, I care about right and wrong. I have very deep convictions about absolute truth."

His sense of political urgency has come in stages. Convinced that his and his followers' views were not being given voice in Washington, he created in 1982 an advocacy group, the Family Research Council. But it was purposely designed to keep him one step removed from direct political involvement. Gary Bauer, a key aide in Ronald Reagan's White House, now runs the group, and he is supposed to be the partisan lightning rod, allowing Dobson to focus, as it were, on the family.

But Dobson, in the past several months, has become so dissatisfied with conservatives' performance in Congress that he wants to become more directly and personally involved in politics. "He has watched the manipulation of the religious right for the last decade," argues his close friend Charles Colson. "He feels a sense of betrayal and responsibility for stewardship of the great silent majority."

He is particularly intolerant of those who share his views but not his driving sense of urgency. So he has developed a habit of targeting allies with footnoted letters showing that Dobson can at times slip over the line between righteousness and self-righteousness. When Ralph Reed, then the head of the Christian Coalition, was insufficiently critical during the last election of Colin Powell for his support of abortion rights, Dobson wrote to Reed: "Gary Bauer and I have discussed your recent statements and considered the need to distance ourselves from you. . . . Some of the politicians with whom you have made common cause . . . would seal the fate of [unborn children] and sacrifice millions more in years to come. I will fight that evil as long as there is breath within my body." Commenting on Dobson's tendency to attack allies, conservative columnist Cal Thomas argues, "You begin to marginalize yourself, saying, I am the only true believer. Soon you are left only with your wife, then you begin to look at her funny. All of a sudden, you're Ross Perot." When confronted with the charge, Dobson responds: "I guess it irritates me when people who know what is right put self-preservation and power ahead of moral principle. That is more offensive to me, in some ways, than what Bill Clinton does with interns at the White House."

Dobson is not the kind of traditional conservative who has a keen appreciation of the limits and complexities of politics. He is a moralist and a populist, demanding rapid, immediate progress to fit a flaming moral vision: "If you look at the cultural war that's going on, most of what those who disagree with us represent leads to death—abortion, euthanasia, promiscuity in heterosexuality, promiscuity in homosexuality, legalization of drugs. There are only two choices. It really is that clear. It's either God's way, or it is the way of social disintegration."

Some conservatives dismiss this as an impractical philosophy for a governing party since progress emerges by small steps. Other conservative critics fear that Dobson's in-

creased partisanship might undermine the generally nonpartisan good works of Focus on the Family. Still others warn that his walkout strategy will only result in the election of Democrat Dick Gephardt as House speaker. Dobson's response: "It is never wrong to do what's right. And you stand for what's right whether it is strategic or not."

The fact that Dobson has struck a chord among conservative activists may be signaling an important shift of political styles in evangelicalism. There are at least three of those tendencies to be considered: priest, kingmaker, prophet. From the 1950s to the 1970s, Billy Graham performed a priestly function as minister to the ministers of state. His role was to legitimize power and to use his access to present the Christian Gospel, which was his primary goal. Personal contact and influence were paramount. In the 1980s, culminating in the rise of Pat Robertson and the Christian Coalition, the goal shifted from legitimizing power to exercising power—the role of kingmaker. Robertson, the son of a senator, understood the give and take of coalition building and the need for a place at the table.

But the pragmatism of the religious right is under serious question, particularly in the wake of the coalition's embrace of Republican Bob Dole in the last presidential election, which many in the movement argue was a compromise too far. University of Akron's Green compares Dobson to an Old Testament prophet "speaking truth to power." It is a designation Dobson accepts: "I really do feel that the prophetic role is part of what God gave me to do."

And that frames the questions for his supporters: Do Christian activists want to be players or prophets? Insiders who accept inevitable compromises, or outsiders who hold on to higher standards?

#### THE NEXT MOVE

Dobson has rejected the idea of becoming a political candidate himself or trying to create a third party. This leaves him with two options. The conventional choice is for Dobson to intervene directly in Republican primaries on the side of social conservatives. This would require, in Dobson's words, "periodic leaves of absence" to protect the nonprofit status of Focus on the Family. Bauer's political action committee has already scouted 40 races where Dobson might throw his weight on the side of a candidate. After the congressional elections, Dobson would determine how to have the maximum impact in the 2000 presidential campaign. Bauer himself is considering a presidential run and covets Dobson's endorsement.

But Dobson is also actively considering "going nuclear" against the GOP leadership. Instead of working through primaries in the summer, Dobson would urge social conservatives to abandon Republicans in November—to stay at home or vote for third parties—with the goal of ending the GOP majority in Congress. "It doesn't take that many votes to do it. You just look how many people are there by just a hair, [who won their last election by] 51 percent to 49 percent, and they have a 10- or 11-vote majority, I told [House Majority Whip] Tom DeLay, 'I really hope you guys don't make me try to prove it, because I will.'" One senior Republican official says he has identified six districts in which Dobson could "turn the tide" against the GOP candidate, Dobson muses about delivering this message by "getting a stadium with 50,000 seats and having Chuck Colson and Phyllis Schlafly and Alan Keyes and Gary Bauer and myself fill it at a strategic times. That get the attention of Republican leaders."

Some Republican insiders believe the effect of either approach—working within the

party or working against it—would be much the same. Bauer's political action committee's fervent support for a conservative candidate in a recent California congressional special election helped elevate the abortion issue. Party leaders believe this allowed Democrat Lois Capps to win in the moderate district. They fear that if Dobson intervenes on behalf of social conservatives in other contests, similar results will follow. As for the nuclear option, the mood of many Republicans is frustrated resignation that Dobson will always be on the attack against the GOP. "It wouldn't matter how many hoops of fire we jump through, it is never enough for him," complains one party official. That strategist and others say majority parties have a responsibility to govern, and that means muting ideological fervor at times. It is hard to imagine this official and Jim Dobson in the same party—and it may be increasingly hard for Dobson to imagine that as well.

#### SCOURGE OF ILLEGAL DRUGS AGAIN UNDER ATTACK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Indiana (Mr. SOUDER) is recognized for 60 minutes.

Mr. SOUDER. Mr. Speaker, the gentleman from Oklahoma is once again to be commended for his leadership on this issue. There is no doubt that the number one fundamental problem in this country is the breakdown of character, the breakdown of the value system, the principled foundations of this country and the resultant breakdown partly, directly, the two things go in tandem, of families as well.

The number one outgrowth that we are seeing in this country is the problem of drug abuse: drugs of all types, marijuana, cocaine, heroin, alcohol, tobacco, but in particular what we have been focusing on is this explosion among our youth of the narcotics, of marijuana, heroin, cocaine, crack, methamphetamines and other artificial stimulants. Tonight we are going to spend some time discussing this issue.

It is a relatively historic night. Tomorrow we are going to have our first pieces of legislation, what will be a comprehensive multi-week, hopefully multi-month, year and up to three years extended start of a battle on drugs. We have done piecemeal legislation over the last few years but we have not had the concentrated effort that we will see starting as of tomorrow.

We have a needles bill in front of us tomorrow to ban the use of giving free needles to heroin addicts with taxpayer dollars. We have in the higher education bill an amendment relating to taking back student loans if students abuse drugs while they are on a government subsidized loan requiring them to go into treatment programs, and I have a second amendment on drug testing. It is the start.

We are also having announcement of a major initiative and Republican effort later this week. The number one person behind this is our Speaker.



Speaker NEWT GINGRICH is committed to having an all-fronts war.

I am going to yield now to my friend the gentleman from Florida who has been a leader in this. Many of us have been involved in this, not just now but for many years. Congressman MICA and myself both were staffers before we became Members of Congress. He was elected in the class before I was, but he was also on the hill before I was working over as Senate chief of staff. I also worked in the House and Senate before I got elected to Congress. Both of us have had experience in working with drug legislation before we were elected to Congress.

This is not a new issue. These things go in tides. Right now we are at a high tide level again and we need to up our efforts. He is to be commended for his leadership. I now yield to the gentleman from Florida to fill us in on some of the battles that he has been watching, some of the background, and particularly a lot of what has happened in Orlando and Florida which has been at the epicenter of it, kind of backed off, and now you have another wave, which is exactly what is happening in this country.

Mr. MICA. I thank the gentleman for yielding. I certainly thank him for his leadership on the drug issue and also on so many other issues before the Congress.

We do have the privilege of serving together on the Government Reform and Oversight Committee and on the subcommittee that deals with our national drug policy, and that is the Subcommittee on National Security, International Affairs, and Criminal Justice. The gentleman from Indiana has brought tremendous leadership and, again from his tremendous experience both as a staffer and a Member of Congress and someone who cares about this issue, cares about his constituents and also is very compassionate towards what illegal narcotics are doing, and drug abuse, to the children of our Nation.

Tonight I want to take a few minutes, if I may, and review a little bit of the history of how we got ourselves into this situation. As the gentleman from Indiana said, I was a staffer back in the early 1980s on the U.S. Senate side working with Senator Hawkins from Florida. You have also heard and understand, I think, that no State probably has been more severely impacted historically by illegal narcotics trafficking than the State of Florida.

When Senator Hawkins was elected, the streets of Miami were overrun with illegal narcotics trafficking, we had unprecedented amounts of illegal drugs coming in and transiting through Florida and into our Nation, and for the first time we saw record drug abuse in our State and Nation. The question was what should we do and what could we do at that time.

We were fortunate to have the tremendous leadership of a new President who brought a vision, who brought in-

tegrity, who brought honesty, who brought vision to the White House. His job, and Senator Hawkins and others who served in the new Senate majority at that time, was to get a handle on this situation. In fact they did, even joined by the First Lady who initiated a program of saying "Just Say No."

I do remember and recall how the new Republican majority in the Senate began an Andean strategy. As a staffer I helped develop the certification law that requires that countries that get United States foreign assistance or trade assistance or financial assistance are certified each year for their eligibility for United States largesse by a review of their efforts to eradicate drug trafficking and illegal narcotics. That was another product of that era. There was tough enforcement.

What we saw in the 1980s under the Reagan Administration and the Bush Administration, I am not sure if this will show up to my colleagues watching C-SPAN, but in fact teenage drug use declined dramatically in the early 1980s, and not until 1992-1993 did we see that trend reverse. In 1992 I was elected to the Congress. History now records George Bush being defeated and the Democrats controlling the White House, the United States Senate and the House of Representatives.

One of the first acts that President Clinton took, and I would like to review this historically because I think it is important for the record of what took place and what the results of those actions are today, one of President Clinton's first actions on taking office was in fact to gut the Office of National Drug Control Policy. In fact, President Clinton gutted the staff of the Drug Czar's office by 80 percent. The facts are, it was slashed from 146 staff members to 25 staff members. Also in his first year, President Clinton cut \$200 million in drug interdiction efforts in the Caribbean and another \$200 million from alternate crop production and drug eradication in Mexico and the Andean drug-producing countries.

Back in the 1980s we thought that the most cost-effective means of stopping drugs was at its source, where it is grown, where just a few pesos or a few dollars is given for the product at its source. It seemed to make a tremendous amount of sense. Rather than try to catch drugs when they entered our borders or when they entered our streets or were disbursed through our communities and our schools and trying to cut off drugs at that point, we felt then, we believe now, that interdiction, eradication, crop substitution programs at the source countries are the most effective means of stopping drug trafficking. You stop it right at its source, in its heels.

These programs were gutted by this administration. These are the facts. The facts speak for themselves. We have seen, again, the results. In 1993, President Clinton dropped the war on drugs from 3rd to 29th in the national security list. The President produces a

national security priority list. It was his action that dropped the war on drugs to 29th as a national priority.

To date, he has continued to allow the State Department to let counter-narcotics issues lag far behind other priorities in our relations with other countries. Only recently have we heard the Secretary of State begin to speak out because the problem has reached such tremendous proportion and the cost and effect in our communities is so dramatic.

The number of individuals, and this again is fact, I cite only fact here tonight, the number of individuals prosecuted for Federal drug violations fell from 25,033 in 1992 to 21,900 in 1994, a 12 percent drop in just 2 years. So there was a deemphasis of prosecution at the Federal level. Again, the results are very clear of what we see.

It is interesting to note this, because with the election of Rudy Giuliani as Mayor of the City of New York, he introduced a zero crime tolerance policy, he introduced a tough prosecution policy, and there has been as high a drop recorded as 30 percent in crime, a dramatic drop in drug trafficking in that community of New York City. We have seen that tough enforcement, tough prosecution works.

And we see the results at the Federal level of what has happened with a decrease in Federal prosecutions, again citing only the facts in this case. From 1992 to 1995, again when the other party controlled the House, the Senate and the White House, 227 agent positions were eliminated from the Drug Enforcement Agency, and Clinton's fiscal year 1995 budget proposed cutting 621 drug enforcement positions from the DEA, the FBI, the INS, the United States Customs Service and the Coast Guard.

□ 2200

In fact, my community, and I represent central Florida, probably one of the more affluent, more prosperous areas, one of the vibrant areas of our State and Nation, a great community of people who are law abiding but who nonetheless have been inundated by a flow of illegal narcotics. An investigation of this issue found that, in fact, a tremendous quantity of drugs is coming in through Puerto Rico; and some people blame the Puerto Rican State Governor and others, the Commonwealth, for not really taking a lead on the issue.

What we found, and our subcommittee went down and held a hearing on a Coast Guard cutter on San Juan Bay, was that, in fact, this administration had cut the Coast Guard resources by nearly 50 percent. The Coast Guard, United States Coast Guard, in fact, since Puerto Rico is a Commonwealth and does not have its own armed forces, relies on the United States Coast Guard for coastal protection. That, again, that protection was cut by this administration by 50 percent, and

those drugs came in in incredible quantities into Puerto Rico in transit for Florida and the United States.

Those are the results. They are documented. We have seen this, and we have seen what this type of policy has provided as a legacy for our Nation and our children.

The President, in fact, has not substantially increased funding for accountable youth prevention programs but instead has nearly doubled the amount of funding. His policy was to promote a doubling of funding for drug treatment programs, and this has been described sort of as treating the wounded in a battle and not addressing the fight itself or just approaching it from sort of the most demoralized end of the game with the least potential for success.

Then, of course, President Clinton recently certified Mexico, and again no nation has been more responsible for the influx and transit of hard drugs into our Nation than Mexico, again another slap in the face of the American citizenry.

I have not brought up other instances of incredible misjudgment on the part of this administration and this President, but I must when you appoint a surgeon general such as Jocelyn Elders, who adopted a program that said to our children, just say maybe, maybe it is okay. Then you had echoed by the President of the United States, a figure that every child looks to in this Nation, and his comments which I have heard over and over on various television programs and news broadcasts: If I had it to do over again, I would inhale.

Now what kind of a message does that send to our young people? In fact, we know what the message has done. The message has, and this is entitled *Trends In Youthful Drug Use, Ages 12 to 17*. We have seen from that reduction I showed you under Reagan and Bush, the just say no to just say maybe, a skyrocketing of youthful drug use in this country.

We are talking about not only marijuana in incredible amounts and a more dangerous marijuana than we saw in the streets in the 1960s, we are talking about cocaine, we are talking about methamphetamines, we are talking about heroin.

Again, I come from a community, and my community is one of the most rock solid in Florida, fairly prosperous, as I said, and economically doing well, and I have this headline from our local newspaper, the *Orlando Sentinel*. It says: Long out of sight, heroin is back killing teens.

My community in central Florida, again a peaceful community, was a victim of this policy, letting down the guard and gut slashing the budget, which they did when they controlled this body, the Senate and the White House. The guard around Puerto Rico in heroin came down not only through that country and hurting that territory of the United States but into our

country and into our State and into our neighborhood so that our particular situation has been that in the last few years central Florida has seen heroin deaths on a par with other major metropolitan areas like Detroit, like New York, like Los Angeles.

So this is the legacy that we have inherited through this policy. It is clear. It is documented.

One of the other things that I wanted to mention tonight was that my colleague has mentioned that we took over the Congress in, what was it, 36, 40 short months ago. We have been able to bring some of our Nation's finances into balance, but we are trying to focus as leaders in this new majority with the leadership of Speaker GINGRICH in addressing some of the social problems. And if drug abuse and misuse is not a problem, I do not know what is a problem. Two million Americans are behind bars.

We held a hearing, and the gentleman from Indiana (Mr. SOUDER) and others came into our State. They heard our local officials. One of my local sheriffs said 80 percent of those behind bars in his county jail, that went through his jail, were there because of drug abuse or drug related crime. This has an unbelievable effect on our communities and on our children. And, again, this drug problem is not relegated to the poor, to the ghettos, to the across-the-railroad-track neighborhoods. This is hitting every neighborhood, every level of society, and we must do something about it.

So our committee, under the leadership of the Speaker, under the leadership of Chairman HASTERT, have begun a program of restoring the funds in these programs that were cut. We have got the military back into the war on drugs, and the Speaker and others are committed to make certain that they have the resources to conduct a real war on drugs. We have restored the cuts in the Coast Guard and other protective agencies, Customs and DEA, to make certain that they have the tools and the resources and the financial capability to conduct a real war on drugs.

And what we are doing this week is launching, in fact, a concerted effort to see that we have the laws in place, that we have the tough enforcement in place and that these individuals who are charged in our Federal Government with this new policy have every resource to see that it, in fact, is accomplished.

So that is the purpose of our coming together tonight, is to announce this policy. We have seen some terrible mistakes in the past when we did not have control of the Congress, when we had leadership in the White House that, in fact, strayed. And maybe they were well-intended, but the results, in fact, are just devastating to our young people and our communities and the social cost involved.

But we are determined again to turn this around, and whatever resources it takes we are going to devote full meas-

ure effort, whatever, again, finances the Congress can muster to make certain that we bring this under control so that the people who we represent, those who are trying to raise their children in communities, get them through schools, those who are retired trying to live in peace in their communities, young people.

I met a young lady the other day in one of the local department stores working, going to college, and she told me she could not go to school at night, and it was difficult for her to work and earn enough money because she was afraid to be out at the bus stop at night because of a potential for crime. And, again, 80 percent of the crime in my community is drug abuse related, and that is a pretty pitiful statement.

So for those people who we represent, their children and those trying to make a living or gain an education or live in peace and retirement, we owe them this effort, and we are going to see it through. And indeed it will succeed because we have the commitment, this new majority, and we hope we have the support of every one of my colleagues who are listening.

I thank the gentleman from Indiana (Mr. SOUDER) for yielding to me, and I am pleased also to join him tomorrow as we pass a resolution making certain that a needle exchange program which almost came into effect was stopped at the last minute through the efforts of the new drug czar, General McCaffrey, and others who know this is the wrong policy. It sends the wrong message. It is not the way to go. And if we are concerned about the minority communities, young black men and women who have been killed, we should be applauding that decision not to fund this.

I am speaking tonight at the United States Capitol in Washington, D.C., the District of Columbia. No jurisdiction in our Nation has been more oppressed by drugs. No segment of our communities in this Nation have been more devastated. Since I have been coming to Washington over the last 18 years, almost every year between 300 and 400 young black males between the age of 14 and 40 have been slaughtered on the streets within view of this Capitol building, a travesty which surpasses the casualty in many of our international conflicts just here in Washington, D.C.

So, if the Black Caucus, if other Members are concerned about policy that will turn this situation around and save some of these young people's lives and not destroy the great young men, the young black citizens of our nation's capital who have just had their lives snuffed out, then they should be here joining with us to see if we can turn this situation around.

We know what has been done, and what was done by this administration did not work. We see the results. These are not abstract or manufactured statistics. This is what has taken place from a failed policy, and we need to turn that around and give these people a chance.

So I am pleased again to join with the gentleman from Indiana (Mr. SOUDER) tonight and others as we launch a program to bring a meaningful war on drugs, a war against drug abuse and a public awareness to our young people and to our citizens that we must realize the consequences of illegal narcotics and drugs.

Mr. SOUDER. Mr. Speaker, I want to thank the gentleman from Florida once again for his leadership and for his compassion and heart for those who have been abused, shot, lives wrecked and ruined by the terrible scourge of drugs in this country, and it has been a consistent, complete support.

One of the things I want to do, too, is a supplement to what the gentleman from Florida has done, is to lay out a little bit what is happening here in the past and where we are headed and what we have been doing as we head into this major effort for the Members who are sitting in their office doing mail, for the dedicated C-Span junkies, to those who just will look through the RECORD later. Because some may say, where did the issue come from? Why all of a sudden is Speaker NEWT GINGRICH talking about drugs? Where did this pop in? Did they do some kind of poll? People are going to say, well, we have not seen what is all this action.

I want to establish that there are a number of logical things that have led to the development of this big push you are going to see. Too often, we have approached the drug issue as we approached the Vietnam war, and that is we devote just enough resources to not quite win, and so we keep falling further and further behind in a war we can ill afford to lose.

What has happened here is that the grassroots, every one of us, know, and the gentleman from Florida (Mr. MICA) detailed what we heard in central Florida. We are hearing from prosecutors, we are hearing from sheriffs, we are hearing from all sorts of law enforcement officials that 70 to 85 percent of all crime in every jurisdiction has some relationship to drug and alcohol.

□ 2215

They are either stealing to fund a habit, they are high on the drugs or alcohol, and that leads to 70 to 85 percent of all crime. Child abuse, spouse abuse, not just robbery, rape, pillaging, automobile wrecks when it is reckless driving; all of these types of things have as its source one common problem. The average person knows this, the communities know this, but it has been very difficult to tackle this on a national level.

General McCaffrey argues that it is a cancer; many of us argue that it is a war. It is both a cancer and a war. That means that we will work to eliminate it as much as possible, but quite frankly, as long as there is sin, we are likely to have some drug abuse there. It is a question of how we are going to control it. It is also a war. People are dying on the streets of America, people are

dying around this world fighting this drug war.

This is a dinner table issue. One of the criteria that the Speaker looks for when we are going to have a major focus is, is this what people talk about at their dinner table? Is this what parents are concerned about at night when their kids are not there? Is this what parents are concerned about in the schools? Is this something that actually resonates with the people as opposed to being kind of an inside-the-Beltway Washington concern or a concern of a special interest that is lobbying because they have lots of funds, or of some other reason in the ways we deal with legislation? This is what strikes at the hearts and homes of American people, and that is why he is leading.

Mr. Speaker, it did not just come out of the blue. If we have been following this carefully, it has been kind of strange. Why did former Senator Bob Dole, our Presidential contender, talk about drugs during the campaign? It did not light a fire, it was not a hot media issue, but he was out there talking about it. So was the Speaker. People thought, this is kind of unusual. Why are they talking about drugs? Everybody in Washington is talking about the budget, and they are talking about taxes and so on. These people were talking about this early.

One of the things is when we took over Congress, the figures that the gentleman from Florida (Mr. MICA) was looking at were highlighted by then Congressman Bill Zeff, who headed our subcommittee, and he got the ear of our Presidential candidate, Bob Dole, and our Speaker and said, look, there is a huge problem here. We need to start concentrating on this.

This is not something that we came up with last week; this is something that our committee, I am not sure whether we have had 30 or 40 hearings in the Committee on National Security and Justice Oversight Committee, which, in addition to having jurisdiction over the State and defense and the Justice Department, also has the drug czar legislation that moves through it and some very broad jurisdiction, and we have been concentrating on this. In addition, the gentleman from New York (Mr. GILMAN), who is the senior Republican on the former Select Committee on Narcotics, has been focusing on the international issue. The gentleman from Florida (Mr. MCCOLLUM) has been focusing on judiciary-related issues in his Subcommittee on Crime. The gentleman from Ohio (Mr. PORTMAN) has been a leader in community efforts.

It is not as though we have been silent. It is that we have not gotten a lot of news media coverage. There is a difference. For example, the gentleman from Florida (Mr. MICA) and I are on the Committee on Government Reform and Oversight where we have been doing the investigations into the kind of "gate" of the week of the adminis-

tration, whether it is Filegate or Whitewatergate or whatever, Greg Livingstonegate I guess, whatever the variation is, and people say, is that all you guys do? We have done less on that than we have done on drugs. But drugs is not quite as sexy to put on the evening news as talking about some kind of finance scandal.

It is not that I am concerned and humiliated about the influence of the Federal Government on possible illegal influence of foreign contributions and campaign finance, but the fact is we work on a lot of other issues, too, but they do not necessarily hit on the front page.

We have had many oversight hearings; we have been in Indiana, Illinois and Michigan; we have been down in Florida multiple times and California multiple times and Arizona, up in New England; we have been around the country in Plano, Texas, where we had kids die of heroin overdoses in the district of the gentleman from Texas (Mr. SESSIONS), just like they have done in Orlando.

I have been to South America three times now in the last 3 years, where there is an actual war going on. We have been over in Asia and the Middle East trying to meet with foreign countries where the heroin, cocaine, marijuana and other drugs are coming in. We have had hearings on Hollywood and the movies and their impact on the culture. We have had hearings on the music industry and the impact on the culture and what we can do related to that.

This is not something we invented yesterday. This is something we have been working on almost from the month we took over Congress. Everybody was focused on the Contract With America, but, in fact, Congressman Zeff and this subcommittee were starting on the drug issue not very many days after we got here, and the gentleman from Florida (Mr. MICA) and I know that because both of us are on the subcommittee, and we were up and running. Furthermore, the gentleman from Florida (Mr. MICA) had been objecting for years that the Democratic leadership of that subcommittee had not been focusing on it, so when we got in control, we started to move on this issue.

Now, what we heard in these hearings were from young people who talked, and I remember one at the Orlando hearing where a young man was there with his dad. It was a tough day for them because they were there together and going public, and his dad was fairly well-known. But he said how he started with marijuana and how he saw that his parents did not realize it, and then he started moving to harder drugs, and he started stealing, and his dad, as he said, really did not want to confront his son, did not really understand all of that, wishes now that he had been more involved. His son did not understand why his father did not get involved. They saw his grades dropping. It was very touching.

Every young person we have heard from, whether it is in Texas, whether it is in California, whether it is in Florida, say, I started with marijuana, and then I moved to cocaine. I robbed to support my habit. My grades went down, my life was wrecked, and then I was spared. And we looked at this type of thing.

We heard from one lady in Texas who talked about how her husband would get high on cocaine; how she and her daughter were hiding out because they knew he was going to kill them if the drug habit did not kill him first. She was living in terror, and what are we going to do about this? That is what we have heard about it.

We have heard how the administration's budget cuts have had an inverse effect. When they cut the interdiction efforts, when they cut the source country efforts, what we saw was supply go up, driving price down, and for competitive purposes, the purity and the potency of the marijuana and cocaine and heroin we have on our street is far greater. It is not like the 1960s and 1970s. The marijuana is more like the hard drugs of those eras, and the hard drugs are fatal today.

We had signals out of the administration, which the gentleman from Florida (Mr. MICA) has delineated very well, that we have kids' use going up. Even though we see in some adult sectors cocaine usage and others going down, the terrible news is it is soaring among kids.

I want to talk briefly about the international problem. The cocaine comes from basically three places in the world. We can chase it all over America and all over the world, but there is three countries, Bolivia, Peru and Colombia, where the stuff comes from. And thanks to the policies in Bolivia and Peru, it has mostly now shifted to Colombia. Initially the coca leaves were grown in Peru and Bolivia, and then Peru and Colombia were doing the transfer in the making cocaine, and the Colombia was the cartels. And now most has gone to Colombia, and it is a narcoterrorism threatening the very democracy and the stability of the nation of Colombia.

Mr. MICA. Mr. Speaker, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Florida.

Mr. MICA. Mr. Speaker, this is an interesting point the gentleman raises about what had developed as an Andean strategy to stop in a very cost-effective manner; we only spent about \$200 million out of \$16 billion on this whole drug effort, but we spent about \$200 million down there. It has been pretty much tightened up because of the efforts of President Fujimori, who we met with when we went down there, and also because of Bolivia's effort, but we learned some interesting things in this experience.

We learned first that, and we had a knock-down, drag-out fight with this administration when they destroyed

the shoot-down policy. We had a policy established under the Reagan administration that, given fair warning over these air spaces, in fact, in Peru and Bolivia and Colombia, the drug dealers would be shot down, and they, in fact, were until a liberal in the Clinton administration moved from the Department of Justice, I think, to DOD, and then turned this policy upside down, and we saw a lot of these drugs coming back. I will say the other side worked with us on this to get the attention of the President, but we had to reverse that. That did a great deal of damage.

Then when we visited the jungles down there, we learned from some of our agents that overflights that had been conducted in that region had, in fact, been diverted, I believe, to Alaska by the administration to look for other problems, I think environmental problems as opposed to the drug problem flights. Then we, in fact, learned that our DEA agents in the jungles were dipping into their own pockets in some cases to keep programs alive, because money had been shifted from drug enforcement and from those programs and strategies, and I think I heard the figure of \$40 million was put into Haiti for that incredibly failed program where we wasted almost \$3 billion to date. So each of these attempts by the administration to destroy the program did not succeed.

The gentleman from Indiana (Mr. SOUDER) has also outlined how since we took over the Congress, and in fact, I served on the subcommittee and the committee before, the Democrats held one hearing of any substance relating to national drug policy while all of this was being done, in spite of my circulating a bipartisan letter of 132 Members requesting hearings on our policy. And the gentleman from Indiana (Mr. SOUDER) has said we are not Johnny-come-latelies in that, and in fact, we have held over 40 hearings.

They may not be interesting to the media; they may not want to cover them. They may want to spend more time on tobacco and some of the outlandish figures that have been brought out as a diversionary tactic by this administration while the country is going down the path of ruin with illegal narcotics and drug abuse, and 100,000 dying in our streets. And the social costs being absolutely astronomical, in addition to, of course, medical costs and the families that are destroyed.

But this is what we have learned, this is what we have done, and in fact, we have taken these actions, as Mr. Souder has outlined, and now we are faced with a dilemma in Colombia. The administration again, with another failed policy, the Colombian failed policy. We begged, we pleaded, we have sent letters. We passed, I believe, a resolution on the floor of this Congress.

Mr. SOUDER. A law, Mr. Speaker.

Mr. MICA. To get aid to Colombia, which is now where there is an incredible production of heroin. The heroin, when we went down there, they told us

they are producing 10,000 hectares which will make heroin as cheap on the streets of the United States, and it is getting there very quickly, and a much stronger, much more potent heroin, because of our policy. We failed to provide the equipment.

The Congress directed the equipment, the funds, that spare parts be given down there to fight this war on drugs, and in the meantime this administration has denied those requests. Even of late when they have decertified Colombia with a waiver, the goods and the materiel and the resources to fight that war on drugs still have not reached Colombia, and Colombian military are being slaughtered. The national police chief Seranno has been here and begged us for assistance, and we still ignore it, and we have an incredible amount of drugs, as the gentleman from Indiana (Mr. SOUDER) just described, coming in now, not only transiting, but they are now mass producers of heroin. They are even into the cocaine business, because this administration has made it profitable for them to succeed.

I can tell my colleagues, there is nothing more effective as far as use of taxpayer dollars. Out of \$16 billion we are spending this money on treatment and programs that do not work. We talk about losing a Vietnam War. This would be just like putting all of our resources in a war and just treating the wounded, and that is what this administration's policy has been, and that is why it has failed.

We have to have tough enforcement. We have to have tough and effective education. We have to have treatment. We have to have interdiction, and all of these elements coming together in a concentrated effort to make this thing work.

□ 2230

And that is what we are hopefully going to do. But the gentleman from Indiana has, in fact, outlined the failed South American strategy, and we could go on more about Mexico.

Mr. SOUDER. I would like to make some additional comments on Colombia. We were just down there again this past week as we went down to the Summit for Americas. I had an amendment that passed and was held in conference committee that three Blackhawk helicopters were supposed to be sent to Colombia. If this administration had followed the law, those Blackhawk helicopters would be down there and they would be able to get in the areas and eradicate the heroin. They cannot get up there with the Hueys. They do not get up to that altitude.

Furthermore, there is a shooting war where people are dying in Colombia, while we stand here fiddling in Washington trying to decide what to do, while we have grounded because of mechanical failure every Huey helicopter that they have. They have nothing with which to fight. They have lost 40

percent of Colombia, the effective control of the rural countryside.

For those who do not understand the significance of this, understand that we have troops in Haiti. We have troops in Bosnia. The national interest is a little unclear, even in the Middle East, where we are spending \$1.5 billion about every nine months right now, where the gentleman from Florida and I just visited last fall and heard skepticism from our own armed forces leaders that we need to be at that level given the direct threat there.

And even arguing that the Middle East has multiple reasons of our national interest, including our friendship with Israel, our friendships with the potentially threatened Arab States and the oil supply, let us look at Colombia. If it is supplying the cocaine and heroin to this country where people are dying in my hometown of Fort Wayne and throughout northeastern Indiana and all over America, the drugs alone is enough to have national interest be a priority there. But it is more than just that.

Along the Panamanian border they have lost effective control of that. The drug dealers and control has spread into that section of Panama, the Darien area. We are about to abandon Panama. I am very concerned that not only are we going to pull out militarily, but that our efforts to get an antinarcotics center there could be kiboshed.

That is extremely critical, as we just heard earlier from Congressman MICA about the shootdown policy. They need the AWACS. If we send those AWACS up to the United States and they have an hour-and-a-half transit time to get down there, we are going to dramatically reduce our airtime for surveillance, and we are going to have even more drugs at cheaper prices on our streets, threatening our kids and families. We need to make sure we have at least an antinarcotics center in Panama as we leave.

Because Colombian narcotics drug lords are prepared to move in through Panama. On the other side they control about half the Venezuelan border where the jungle is. And control, in a guerrilla war they do not have to have forts and troops and lines. Particularly in the jungle they can move around. We have to have at least four times the effective troops and an operative military defending ground or we in effect lose control because they get to pick and choose where they want to fight.

We have lost half the Venezuelan border. It is not the Middle East that is our number one supplier of oil, it is Venezuela. Seventeen percent of our oil comes from Venezuela. In oil by-products, Colombia is our number one supplier. Talk about energy threat, the energy threat is in Colombia. It is not in the Middle East. The Canal and the trade threat is in Panama, and we have all the drugs.

And what is our response? We will not send them the three helicopters

that we were requiring them to send by law, and they are saying, well, they need 20 helicopters. You know what, three is better than zero. If we need to send them three more, we would not be arguing, maybe six, if we had sent them the three last year, then we could get them the three more this year. Frankly, they need the Blackhawks and more Huey HIs.

The alternative is American troops. Here we have a country, Colombia, where they are willing to fight and die partly because of our consumption here in America. Thousands and thousands of police officers, and we were just down there in Colombia and we visited a hospital, and we visited a number of Colombian national police who have been shot down trying to eradicate the cocaine so that it does not hit our streets. And what is our reaction? We will not give them the weapons with which to do it. Apparently we are not going to do it until we have to send troops down there.

This hat belonged to Colonel Gallego, the head of the DANTE, the antinarcotics subforce of the Colombian National Police. General Serrano and Colonel Gallego signed this for me. If anybody saw "Clear and Present Danger," it was a fictionalized account. The former ambassador who went with us on one of the trips, I asked him if it was an accurate movie and he said, "Not completely. I died in the movie." It is a pretty accurate picture of the fight they are facing in Colombia.

Colonel Gallego is the man who took down Pablo Escobar of the famous Medellin Cartel. He is known as the lab buster. He has a \$3.5 million price on his head. General Serrano has an \$8 million price on his head. They want him dead.

These people, there is no blood on this hat, but there are thousands of police officers and military forces who have died in Colombia fighting our battle. I do not want to have American men and women. I want to help the people who are fighting the war so that they at least have a fighting chance to win and drive back the narcotics, the FARC and others. I do not know that they will, but we ought to at least give them the chance. We are the ones with our national security interest directly threatened here.

I want to move on to a couple of other issues here in the last remaining minutes. I touched some on foreign policy, but I want to say that we are also approaching this comprehensively and domestically in treatment. It is clear that unless we can get the hard core addicts, and every hard core addict we get off, we have a dramatic reduction in the abuse of heroin and cocaine in particular.

Now we also know that, let us just say, that treatment programs are very erratic in their effectiveness. There are different measures to use. Obviously there is going to be a high recidivism rate, and obviously if people at least

abuse it less than before, that is some kind of progress. But there are a couple of basic principles here and we will be putting these in as we move through the treatment question.

If we do not do drug testing, how do we know in fact if the treatment program worked? One of the basic principles is that we ought to have measurements in treatment programs and we ought to have monitoring. It is only the most kindhearted and compassionate thing we can do for an abuser, and that is hold them accountable for their behavior. Do not let them fall back in, particularly after we use taxpayers' dollars to try to get them out. Let us monitor and follow through.

It is absurd to give out free needles to heroin addicts. They argue that, well, they will be clean. They will not get AIDS. They will just die of drug overdose. They will not die of AIDS and they will not spread it. This would be the equivalent of going into the American schools and saying these kids are going to smoke anyway, why not give them low-tar cigarettes paid for by taxpayer dollars?

Why would we use taxpayers' dollars to sustain somebody in a habit that is going to kill them, destroy them, wreck their families? If they are a dad or a mom, it is abandonment of their children, and we are going to give them clean needles? It is absurd. We should have gone further than banning direct government money. We should have gotten the fungible money where it is transferred from one place to another.

Furthermore, we should be looking into people like George Soras who is funding a lot of these programs and also funding the medicinal marijuana, the back-door legalization of marijuana. There are legitimate cases, but they are few and far between.

Anybody who watched the special that focused on a lot of these kind of drug clubs for the medicinal uses of marijuana in California, it is appalling. Sit around and pass the pot. It is just like in the 1960s on the college campuses, only this time it is under legitimate government approval funded by George Soras and two friends in State after State. There are basically three people with one person at their head funding this, and we need to look into that question.

We need to also look at prevention programs. A lot of the drug-free school money, while well-intentioned, has been frittered away. We need to find particularly effective programs for those most at risk. A lot of times it seems that these programs are mostly aimed at kids who are not really high risk. We have to figure out those kids who are most at risk and we need to try to get them off.

I remember at one school where I went around the district and talked through these issues with high school kids at about 17 high schools in my congressional district in northeast Indiana, and one student came up and said that he had just gone clean the

day before because his friend had gotten high and committed suicide. And he said, "I don't want to do that." He said, "I'm scared. I hope I can get off." And he said, "I wish my friend was still here."

When are we going to try to identify these high-risk kids and try to help them, as opposed to sometimes it seems we are more concerned about giving out little rulers or having a skit than actually tackling the very hard cases of the prevention.

The gentleman from Ohio (Mr. PORTMAN) was a leader in passing legislation which we now have, in northeast Indiana almost every county now has a community-based group that is trying to pull the different organizations together. Sometimes schools feel like there are 23 different groups hitting them up to try to do anti-drug programs. We need community-wide organized efforts and we are trying to stimulate some of that through the Portman bill.

The gentleman from New York (Mr. SOLOMON) has an amendment that we have in the Higher Education Act that says that if students want a subsidized student loan, then they have an obligation to stay clean. If they do not stay clean for one year, the first time they are suspended from their student loan and they have to go into treatment.

And I want to offer tomorrow an amendment that also says that drug testing be included to make sure they are clean for two years, then they can get reinstated. The second offense, they are off for two years. Definitely, three strikes and they are out. We do not want to have high-risk people not have the opportunity to get an education. Self-esteem and education are critical to keeping them off of drugs. But at the same time, taxpayers should not have to fund behavior that is contrary to the law.

There needs to be a give-and-take with this, and we want to encourage people to get clean. The best thing we can do for them, the college education is a waste of money if they are on drugs. We have to get them clean. If they sold, it is a suspension of two years for first offense and indefinitely for second offense. So this will be up tomorrow.

The gentleman from Mississippi (Mr. WICKER) who has been a leader in the needles issue, along with the gentleman from Oklahoma (Mr. COBURN) will be working with that. We will work aggressively on prevention and treatment.

Let me reiterate, the difference that is seen here is a concentrated effort, not a dribbling of a bill here and a bill there. I am willing to criticize the Speaker when I have disagreements, and I want to make sure I praise him when I think he has taken the commendable leadership in this, as has the gentleman from Illinois (Mr. HASTERT) along with his cochairs, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Ohio (Mr. PORTMAN)

with the anti-drug task force. I think we are going to see a difference.

Mr. Speaker, we need this administration to join with us. This needs to be a bipartisan effort. This cannot be divided and have a bunch of people on the other side posturing with this. This needs to be a joint effort, a drumbeat from every source saying this is unacceptable.

As a goal we ought to say by the Year 2000 we are going to have a 50 percent reduction, and the President of the United States and others should join with us and say we are going to have a 50 percent reduction. A 50 percent reduction in two years sounds like a lot, but that would only take us to the place where we were when this President took office.

Mr. Speaker, the least he could do is, when he leaves, get it back to the level of when he came. Then we can start to get rid of the drug abuse that we had which was already there when he got here. We need his help so that when he exits, we are at least back to the level that it was when he came. He owes that to the American people, and hopefully we can work together with that.

Mr. MICA. Mr. Speaker, I thank the gentleman for yielding and for his comments, and again for his dedication to this subject. I honestly cannot think of any other issue before the Congress as far as the social impact on our Nation. We have been successful in the last 36 or 40 months getting our finances in order, but now the number one priority must be to tackle the illegal narcotics problem, the crime that it does rain upon this country.

This week we have launched another stage in the battle, a new offensive. It is going to take both Democrats and Republicans working together to get that passed.

But we I think also tonight have documented that the policy from this point, 1993, when he took office, to 1995, did not work. It was a failed policy. The results are dramatic. Since 1992 drug use among teens has skyrocketed, the latest statistics indicate by 70 percent. Half of the high school seniors in a recent survey think it is easy to obtain cocaine and LSD; and now eighth graders, where drug use has increased by 150 percent since 1992. These are the latest statistics. One in four high school seniors is a current user of illegal drugs.

This has had a dramatic impact on our young people. If we took out the areas of tough enforcement such as Mr. Giuliani in New York, and some of the other areas where some tough enforcement and prosecution and zero tolerance has taken place, we can see that we still have a very dramatic problem with tremendous cost to the taxpayers of this Nation, not to mention the insecurity of individuals who fear going from their car to the supermarket, from their community, from street to street at night, or even in the daylight being accosted by someone who is on drugs.

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Or the loss in our community just within the last 24 hours, as I left one of the communities, Oviedo, where a young woman was found dead, 21 years old, who worked in a local bank, either of an overdose of cocaine or heroin, just again within the last 24 hours in my community.

The incident we had in my community and the college reunion festivities over the weekend in Daytona Beach, the young man from Orlando who attacked the police with a gun was a habitual drug user and had a record of cocaine use.

Almost every incident of crime, of social problem that we see today is drug related, so we are committed to launch this campaign this week. We have not just spoken in the past 36 months but also acted in putting back together the pieces of an effective multifaceted war on drugs. You can call it whatever you want, but it is going to be indeed a national effort.

We beg the administration to get the resources to Colombia, to other programs that are effective, to treatment programs that work. We are not against treatment, but when you have them come before our committee and testify, folks testify that these are failed programs, and then you learn that sometimes the religious or faith-based programs are the most effective, or the private sector, non-Federally or publicly funded programs are most effective, you begin to wonder. We have been spending more and more in treating these wounded.

So today we take up arms, and this week I know I will be joined by everyone on this side of the aisle, and I know we will have many from the other side of the aisle, to make a meaningful effort to turn around this situation in our country, and again the dramatic cost to young people and citizens of every age, race, and color across our Nation.

Mr. Speaker, I thank the gentleman from Indiana (Mr. SOUDER) again for his leadership in taking time tonight. I know he and I would rather be with our families at home, but this is such an important issue. It is not to be made light of.

It will not be on the front page of tomorrow's paper, except it will be there in the obituary page and the page of abuse, the page of murders and crimes in our community, and the social costs and disruption to each of our communities throughout this land. So that is part of our agenda. It is part of our program. I thank the gentleman for his leadership.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BATEMAN (at the request of Mr. ARMEY) for today and the balance of the week on account of medical reasons.

Mr. DIXON (at the request of Mr. GEPHARDT) for today and the balance of the week on account of medical reasons.

Mr. SANDLIN (at the request of Mr. GEPHARDT) for today and the balance of the week on account of family medical reasons.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. FALEOMAVAEGA) to revise and extend their remarks and include extraneous material:

Mr. DOGGETT, today, for 5 minutes.

Mr. UNDERWOOD, today, for 5 minutes.

Ms. MILLENDER-MCDONALD, today, for 5 minutes.

Mr. STRICKLAND, today, for 5 minutes.

Ms. CARSON, today, for 5 minutes.

Ms. DELAURO, today, for 5 minutes.

Ms. JACKSON LEE of Texas, today, for 5 minutes.

The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:

Mr. PAUL, on April 28 and 29, for 5 minutes each.

Mr. SMITH of Michigan, today, for 5 minutes.

Mr. MILLER of Florida, today, for 5 minutes.

Mr. LATHAM, today, for 5 minutes.

Mr. RIGGS, on April 29, for 5 minutes.

Mr. LATOURETTE, today, for 5 minutes.

Mr. JONES, on April 29, for 5 minutes.

Mr. WELDON of Pennsylvania, today, for 5 minutes.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FALEOMAVAEGA) and to include extraneous matter:)

Ms. DELAURO.

Mr. ROEMER.

Mr. BERRY.

Mr. KUCINICH.

Mr. LIPINSKI.

Mr. TRAFICANT.

Mr. WAXMAN.

Mr. MCDERMOTT.

Mr. MENENDEZ.

Mr. KIND.

Mr. VENTO.

Mr. CLAY.

Ms. NORTON.

Mr. GEPHARDT.

Mr. FROST.

Mr. PAYNE.

Mr. FRANK of Massachusetts.

Mr. BORSKI.

Ms. JACKSON-LEE of Texas.

Mr. COYNE.

Mr. BROWN of California.

Mr. OBERSTAR.

(The following Members (at the request of Mr. JONES) and to include extraneous matter:)

Ms. ROS-LEHTINEN.

Mr. FORBES.

Mr. LEWIS of California.

Mr. WELDON of Florida.

Mr. SENSENBRENNER.

Mr. GILMAN.

Mr. HASTERT.

Mr. PACKARD.

Mr. GOODLING.

Mr. RILEY.

(The following Members (at the request of Mr. SOUDER) and to include extraneous matter:)

Mr. BOB SCHAFFER of Colorado.

Mr. MORAN of Virginia.

Mr. SCHUMER.

Ms. STABENOW.

Mr. BENTSEN.

Mr. BRYANT.

Mr. CONDIT.

Mr. ACKERMAN.

Mr. STARK.

Mr. FAZIO of California.

Mr. ETHERIDGE.

#### ADJOURNMENT

Mr. SOUDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 49 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 29, 1998, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8767. A letter from the the Comptroller General, the General Accounting Office, transmitting a review of the President's first special impoundment message for fiscal year 1998, pursuant to 2 U.S.C. 685; (H. Doc. No. 105-242); to the Committee on Appropriations and ordered to be printed.

8768. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the Republic of Korea (Transmittal No. DTC-61-98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8769. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of VOR Federal Airway; CA [Airspace Docket No. 97-AWP-17] (RIN: 2120-AA66) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8770. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of the Atlantic High Offshore Airspace Area [Airspace Docket No. 97-ASO-16] (RIN: 2120-AA66) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8771. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Topeka, Forbes Field, KS; Correction [Airspace Docket No. 98-ACE-1] received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8772. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Amendment to Class E Airspace; Valentine, NE [Airspace Docket No. 97-ACE-39] received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8773. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Chadron, NE [Airspace Docket No. 97-ACE-38] received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8774. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Model GV Series Airplanes [Docket No. 98-NM-114-AD; Amendment 39-10480; AD 98-09-01] (RIN: 2120-AA64) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8775. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Model TBM 700 Airplanes [Docket NO. 97-CE-42-AD; Amendment 39-10476; AD 98-08-27] (RIN: 2120-AA64) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8776. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Avions Pierre Robin Model R3000/160 Airplanes [Docket No. 97-CE-88-AD; Amendment 39-10477; AD 98-08-28] (RIN: 2120-AA64) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8777. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Twin Commander Aircraft Corporation 500, 680, 690, and 695 Series Airplanes [Docket No. 96-CE-54-AD; Amendment 39-10474; AD 98-08-25] (RIN: 2120-AA64) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2807. A bill to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger; with an amendment (Rept. 105-495). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 231. An act to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes (Rept. 105-496). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 409. Resolution providing for consideration of the bill (H.R. 3717) to prohibit the expenditure of Federal funds for the distribution of needles or syringes for the hypodermic injection of illegal drugs (Rept. 105-497). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 410. Resolution providing



for consideration of the bill (H.R. 3546) to provide for a national dialogue on Social Security and to establish the Bipartisan Panel to Design Long-Range Social Security Reform (Rept. 105-498). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 411. Resolution providing for consideration of the bill (H.R. 6) to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes (Rept. 105-499). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WELLER (for himself, Mr. MCINTOSH, Mr. RILEY, and Mr. HERGER):

H.R. 3734. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. LIVINGSTON, Mr. TAUZIN, Mr. BRADY, Mr. COOKSEY, Mr. ORTIZ, Mr. TAYLOR of Mississippi, Mr. CALLAHAN, Mr. SCARBOROUGH, Mr. JOHN, and Mr. BONILLA):

H.R. 3735. A bill to disapprove a rule requiring the use of bycatch reduction devices in the shrimp fishery of the Gulf of Mexico; to the Committee on Resources.

By Mr. SMITH of Texas:

H.R. 3736. A bill to amend the Immigration and Nationality Act to make changes relating to H-1B nonimmigrants; to the Committee on the Judiciary.

By Mr. ALLEN:

H.R. 3737. A bill to amend the Water Resources Development Act of 1996 to deauthorize the remainder of the project at East Boothbay Harbor, Maine; to the Committee on Transportation and Infrastructure.

By Mr. DOGGETT (for himself, Mr. KENNEDY of Massachusetts, Mrs. LOWEY, Ms. PELOSI, Mr. HANSEN, Mr. MCDERMOTT, Mr. OLVER, Ms. DEGETTE, Ms. ROYBAL-ALLARD, Mr. STARK, Ms. MILLENDER-MCDONALD, Mr. VENTO, Mr. UNDERWOOD, Mrs. TAUSCHER, and Mr. PALLONE):

H.R. 3738. A bill to establish a responsible United States international tobacco policy, to prevent tobacco companies from targeting tobacco products to children, to ensure no government promotion of tobacco overseas, to curb smuggling of tobacco products, to establish the American Center on Global Health and Tobacco, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, International Relations, National Security, Resources, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 3739. A bill to amend title II of the Social Security Act to allow for distribution of the lump sum death payment, in the absence of a widow or widower or surviving children, to any other person as certified by the deceased worker to the Commissioner of Social Security; to the Committee on Ways and Means.

By Mr. GOSS:

H.R. 3740. A bill to amend the Act of October 11, 1974 (Public Law 93-440; 88 Stat. 1257),

to provide for the continued operation of certain tour businesses in recently acquired areas of Big Cypress National Preserve; to the Committee on Resources.

By Mr. LIPINSKI (for himself and Mr. DEFAZIO):

H.R. 3741. A bill to amend title 49, United States Code, to require congressional approval of civil aviation agreements; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RIGGS (for himself, Mr. WATTS of Oklahoma, Mr. TALENT, Mr. MCINTOSH, Mr. PITTS, Mr. PACKARD, Mr. SOUDER, and Mr. WAMP):

H.R. 3742. A bill to provide flexibility to certain local educational agencies that develop voluntary public and private parental choice programs under title VI of the Elementary and Secondary Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. PAUL:

H.J. Res. 116. A joint resolution proposing an amendment to the Constitution of the United States relative to abolishing personal income, estate, and gift taxes and prohibiting the United States Government from engaging in business in competition with its citizens; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island:

H. Con. Res. 261. Concurrent resolution recognizing the importance of rivers to the United States and supporting efforts to inform and educate the people of the United States regarding rivers and the importance of their preservation; to the Committee on Resources.

By Mr. KIM:

H. Con. Res. 262. Concurrent resolution authorizing the 1998 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds; to the Committee on Transportation and Infrastructure.

By Mr. KIM:

H. Con. Res. 263. Concurrent resolution authorizing the use of the Capitol Grounds for the seventeenth annual National Peace Officers' Memorial Service; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE (for himself, Mr. PASCRELL, Mr. SANDLIN, Mrs. CUBIN, Mr. KLECZKA, Mr. WELDON of Pennsylvania, and Mr. ROTHMAN):

H. Con. Res. 264. Concurrent resolution expressing the sense of the Congress with respect to documentation requirements for physicians who submit claims to Medicare for office visits and for other evaluation and management services; to the Committee on Ways and Means.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 45: Mr. BLAGOJEVICH and Mr. KIND of Wisconsin.

H.R. 59: Mr. SOUDER.

H.R. 218: Ms. GRANGER and Mr. SHERMAN.

H.R. 306: Mr. MEEKS of New York.

H.R. 371: Ms. BROWN of Florida.

H.R. 372: Ms. KAPTUR, Mr. BLUMENAUER, Mr. COYNE, and Mr. MANTON.

H.R. 519: Mr. SMITH of Michigan.

H.R. 539: Mr. ENGEL and Ms. PELOSI.

H.R. 612: Mr. TANNER, Mr. FOLEY, Mr. SALMON, Mr. PACKARD, and Mr. BERMAN.

H.R. 633: Mr. NETHERCUTT and Mr. WISE.

H.R. 676: Mr. GOODE and Mr. COYNE.

H.R. 715: Mr. BLILEY.

H.R. 872: Mrs. NORTHUP, Ms. PELOSI, Mr. QUINN, Mr. SMITH of New Jersey, and Mr. WELDON of Florida.

H.R. 902: Mr. BOEHNER, Mr. FOSSELLA, Mr. GILLMOR, Mr. GILMAN, Mr. GOSS, Mr. DAN SCHAEFER of Colorado, and Mr. WOLF.

H.R. 979: Mr. BILBRAY, Mr. MCHUGH, and Mr. MILLER of California.

H.R. 1054: Mr. PAPPAS and Mr. BARRETT of Nebraska.

H.R. 1061: Mr. ROTHMAN, Mr. COBURN, and Mr. GUTIERREZ.

H.R. 1126: Ms. SLAUGHTER and Mr. PICKETT.

H.R. 1173: Mr. SNYDER.

H.R. 1200: Mr. TIERNEY.

H.R. 1375: Mrs. EMERSON and Mr. BUNNING of Kentucky.

H.R. 1524: Mr. SCHUMER, Mr. WELDON of Pennsylvania, Mr. PICKERING, Mr. YOUNG of Alaska, and Mr. SUNUNU.

H.R. 1531: Mr. LAMPSON.

H.R. 1689: Mr. NEY, Mr. CHABOT, Mr. DELAY, and Mr. COOK.

H.R. 1788: Mr. DIXON.

H.R. 1802: Mr. CALVERT.

H.R. 1911: Mr. TURNER.

H.R. 1995: Mr. ACKERMAN, Mrs. KELLY, and Mr. SHAYS.

H.R. 2021: Mr. SESSIONS.

H.R. 2023: Mr. MCGOVERN, Mr. FRANK of Massachusetts, Mr. VENTO, and Mr. WAXMAN.

H.R. 2081: Mr. HILLIARD.

H.R. 2088: Mr. SHERMAN.

H.R. 2094: Mrs. CAPPS.

H.R. 2124: Mr. ENSIGN.

H.R. 2183: Mr. FOX of Pennsylvania.

H.R. 2523: Mrs. JOHNSON of Connecticut.

H.R. 2560: Mr. SANDERS, Mr. ROMERO-BARCELO, Mr. LANTOS, Mr. BENTSEN, Mrs. MYRICK, Mr. BOSWELL, Mr. BALDACCIO, Mr. LUTHER, Mr. CONDIT, Mr. SHERMAN, Mr. SHIMKUS, Mr. COYNE, Mr. PARKER, Mr. KASICH, and Mrs. KENNELLY of Connecticut.

H.R. 2568: Mr. PRICE of North Carolina.

H.R. 2579: Mr. PICKERING and Mr. HILLEARY.

H.R. 2598: Mr. BOB SCHAFFER.

H.R. 2604: Mr. CAMPBELL, Mr. BENTSEN, and Mr. SNOWBARGER.

H.R. 2612: Mr. DINGELL.

H.R. 2635: Mr. JACKSON, Mr. TOWNS, Mr. CLYBURN, Mr. OWENS, Mr. MARKEY, Mr. BARRETT of Wisconsin, Mr. ABERCROMBIE, Mr. STARK, Mr. MOAKLEY, Mr. FRANK of Massachusetts, Mr. COYNE, Mr. VENTO, Mr. POSHARD, Ms. WATERS, and Mr. EVANS.

H.R. 2678: Mr. UNDERWOOD.

H.R. 2708: Mr. CAMP, Mr. TOWNS, Mr. SUNUNU, Mr. MARTINEZ, and Mr. MCHUGH.

H.R. 2800: Mr. STUMP.

H.R. 2829: Mr. JEFFERSON and Mr. CAMP.

H.R. 2895: Mr. DELAHUNT, Mr. FROST, Mr. KENNEDY of Rhode Island, and Mr. OBERSTAR.

H.R. 2912: Mr. PAYNE and Mr. HASTINGS of Florida.

H.R. 2922: Mr. CALVERT.

H.R. 2936: Mr. BEREUTER.

H.R. 2955: Mr. SANDERS, Mr. ENGLISH of Pennsylvania, Mr. KANJORSKI, and Mr. KOLBE.

H.R. 2990: Mr. KLINK, Mr. LEVIN, Mr. BECERRA, Mr. SCOTT, and Mr. GUTIERREZ.

H.R. 3010: Mr. TORRES.

H.R. 3016: Mr. PORTER.

H.R. 3111: Mr. RUSH.

H.R. 3150: Mr. HEFLEY, Ms. PRYCE of Ohio, Mr. KLECZKA, Mr. ANDREWS, Mr. BRADY, Mrs. NORTHUP, Mr. SPENCE, Mr. TALENT, Mr. BOYD, Mr. PICKETT, and Mr. DOOLEY of California.

H.R. 3152: Mr. DREIER and Mr. WALSH.

H.R. 3181: Mr. FALEOMAVAEGA.

H.R. 3187: Mr. DEFAZIO.

H.R. 3205: Ms. DEGETTE and Mr. LAMPSON.

H.R. 3217: Mr. MCDERMOTT.

H.R. 3243: Ms. ROS-LEHTINEN and Mr. SCARBOROUGH.

H.R. 3251: Mr. GEJDENSON, Mr. MANTON, Mr. BATEMAN, Mr. CLAY, Mr. FATTAH, Mr. WATT of North Carolina, Mr. BARTLETT of Maryland, Ms. RIVERS, and Mr. KENNEDY of Rhode Island.

H.R. 3255: Mr. MANTON.

H.R. 3262: Mr. ABERCROMBIE.

H.R. 3314: Mr. GRAHAM.

H.R. 3331: Mr. TALENT.

H.R. 3338: Ms. KILPATRICK.

H.R. 3379: Mr. FALEOMAVAEGA and Mr. POSHARD.

H.R. 3396: Mr. BILIRAKIS, Mr. TORRES, Mr. COLLINS, and Mrs. KELLY.

H.R. 3400: Mr. HINOJOSA and Mr. OLVER.

H.R. 3438: Mr. ENGLISH of Pennsylvania and Mr. CALVERT.

H.R. 3459: Mr. PAYNE.

H.R. 3470: Mr. BONIOR.

H.R. 3506: Mr. BLUMENAUER, Mr. KASICH, Mr. MICA, Mr. HYDE, Mr. SISISKY, Mr. SHUSTER, Mr. GREEN, Mr. SKELTON, Mr. DAVIS of Illinois, Mr. SCARBOROUGH, Mr. MALONEY of Connecticut, Mr. MCCRERY, Mr. SCOTT, Ms. DELAURO, Mr. BARCIA of Michigan, Mr. NETHERCUTT, Mr. BURTON of Indiana, Mr. STOKES, Mr. NEY, Mr. RAHALL, Mr. MINGE, Ms. FURSE, Mr. FARR of California, Mr. MCINNIS, Mr. BEREUTER, and Mr. ROGERS.

H.R. 3514: Mr. CLAY, Mr. SABO, Mr. KIND of Wisconsin, Mr. DAVIS of Virginia, Mr. ALLEN, and Mrs. CLAYTON.

H.R. 3523: Mr. KING of New York, Mr. BERRY, Mr. BURTON of Indiana, Mr. CANNON, Mrs. LOWEY, and Mr. MATSUI.

H.R. 3524: Mr. MILLER of California, Mr. FROST, and Mr. TORRES.

H.R. 3526: Mr. GORDON.

H.R. 3534: Mr. DELAY, Mr. WAMP, Ms. SANCHEZ, Mr. CALVERT, Mr. TAYLOR of Mississippi, Mr. HERGER, Mr. BERRY, Mr. LIVINGSTON, Mr. SISISKY, Mr. STUMP, Mr. POMBO, Mr. CUNNINGHAM, Mr. CAMPBELL, Mr. STEARNS, Mr. COLLINS, Mr. RYUN, Mrs. NORTHUP, Mr. TALENT, Mrs. EMERSON, Mr. WICKER, Mr. PICKERING, Mr. BALLENGER, Mr. SMITH of New Jersey, Mr. SKEEN, Mr. GIBBONS, Mrs. KELLY, Mr. FOX of Pennsylvania, Mr. NETHERCUTT, Mr. PORTER, Ms. GRANGER, Mr. ENSIGN, Mr. MORAN of Kansas, Mr. BOB SCHAFER, Mr. GALLEGLY, Mr. LATOURETTE, Mr. DEAL of Georgia, Mr. PAPPAS, and Mr. PAUL.

H.R. 3541: Mr. KOLBE, Mr. BOUCHER, Mr. FOLEY, Mr. GOODE, Mr. GIBBONS, Mr. HUTCHINSON, Mr. HOSTETTLER, Mr. BLUNT, Mr. HALL of Ohio, Mr. CANADY of Florida, Ms. PRYCE of Ohio, Mr. JOHNSON of Wisconsin, Mr. CALVERT, Mr. FRANK of Massachusetts, and Mr. SOUDER.

H.R. 3567: Mr. FRANKS of New Jersey.

H.R. 3570: Mr. STRICKLAND, Mr. LAMPSON, Mr. VENTO, and Mr. THOMPSON.

H.R. 3599: Mr. TALENT.

H.R. 3605: Mr. BISHOP, Mr. NEAL of Massachusetts, Mr. DAVIS of Illinois, Mr. MOLLOHAN, Mr. MOAKLEY, and Mr. SCOTT.

H.R. 3608: Mr. TAYLOR of Mississippi.

H.R. 3613: Ms. WOOLSEY and Mr. MALONEY of Connecticut.

H.R. 3615: Mr. PAYNE, Mr. EVANS, Ms. SLAUGHTER, and Mrs. MALONEY of New York.

H.R. 3636: Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. HOUGHTON, Ms. KILPATRICK, Ms. WATERS, and Ms. CARSON.

H.R. 3641: Mr. ENSIGN.

H.R. 3648: Mr. SESSIONS, Mr. ROYCE, Mr. BRADY, Mr. ENGLISH of Pennsylvania, Mr. FORBES, Mr. WALSH, and Mr. CHABOT.

H.R. 3651: Mr. TOWNS and Mr. NADLER.

H.R. 3661: Mr. KILDEE, Mr. LATOURETTE, and Mr. MEEKS of New York.

H.R. 3674: Mr. JOHNSON of Wisconsin.

H.R. 3684: Ms. PRYCE of Ohio.

H.R. 3690: Mr. BACHUS and Mr. EVANS.

H.R. 3713: Ms. WOOLSEY.

H.R. 3719: Mr. GOODLING.

H.J. Res. 102: Mr. LIVINGSTON and Mr. KANJORSKI.

H. Con. Res. 55: Mrs. CAPPS, Mr. ENGLISH of Pennsylvania, Mr. BILBRAY, Ms. STABENOW, and Mr. SCHUMER.

H. Con. Res. 127: Mr. BUYER.

H. Con. Res. 181: Mr. MASCARA, Mr. KIM, Mr. LEWIS of Georgia, Mr. PASTOR, Mr. SABO, Mr. NORWOOD, Mr. NEAL of Massachusetts, Mr. TORRES, Mr. NEY, Mr. GEPHARDT, Mr. VENTO, Mr. JACKSON, and Mr. ALLEN.

H. Con. Res. 210: Mr. BOYD.

H. Con. Res. 233: Mr. BECERRA, Mr. LUTHER, and Mr. JENKINS.

H. Res. 151: Mr. PICKETT.

H. Res. 363: Mr. BALDACC.

H. Res. 374: Mr. ROYCE, Mr. LANTOS, Mr. ENGEL, Mr. WEXLER, Mr. BROWN of Ohio, Mr. GUTIERREZ, and Ms. FURSE.

H. Res. 392: Mr. WATTS of Oklahoma, Mr. PETERSON of Pennsylvania, Mr. NETHERCUTT, Mr. SOUDER, Mr. BARRETT of Nebraska, and Mr. MATSUI.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6

OFFERED BY: MR. ALLEN

AMENDMENT NO. 10: Page 68, after line 11, insert the following new section (and redesignate the succeeding section and conform the table of contents accordingly):

### SEC. 206. TEACHER RECRUITMENT.

(a) FUTURE MATH AND SCIENCE TEACHER RECRUITMENT.—Title II is further amended by adding at the end the following new part:

#### "PART F—FUTURE MATH AND SCIENCE TEACHER RECRUITMENT

##### "SEC. 281A. SHORT TITLE: FINDINGS.

"(a) SHORT TITLE.—This part may be cited as the 'Recruit and Reward Future Math and Science Teachers of America Act of 1998'.

"(b) FINDINGS.—Congress finds the following:

"(1) United States high school students rank 12th and 19th, respectively, in science and math out of 25 countries.

"(2) Of United States high school students who take physical science and math courses, 48 percent and 49 percent, respectively, are taught by teachers who did not prepare in that field.

"(3) Teachers' knowledge and skills powerfully influence student learning.

"(4) More than 2,000,000 teachers will need to be hired over the next decade.

"(5) The ability of the United States to place highly qualified math and science teachers specializing in their field of instruction will depend on proactive policies that increase funding for teacher training, recruitment, and induction.

##### "SEC. 281B. PURPOSE; APPROPRIATIONS AUTHORIZED.

"(a) PURPOSE.—It is the purpose of this part to make available, through a pilot program, 500 scholarship grants and stipends to outstanding students enrolled in a nationally accredited teacher training graduate program who are committed to pursuing careers teaching math and science at an urban or rural secondary level classroom.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part \$5,000,000 in each of the fiscal years 1999, 2000, and 2001.

##### "SEC. 281C. SCHOLARSHIP DESIGNATION AND SELECTION CRITERIA.

"(a) SCHOLARSHIP DESIGNATION.—Funds made available under this part shall be designated as the 'National Math and Science Teacher Scholarships'.

"(b) SELECTION CRITERIA.—The Secretary of Education may award funds for National

Math and Science Teacher Scholarships on a competitive basis to qualifying higher education institutions with graduate programs in teacher training. The Secretary may not provide any individual higher education institution more than \$100,000 per academic year for the purpose of the National Math and Science Teacher Scholarships. An institution applying for such Scholarships may only be eligible to receive funds if such institution—

"(1) meets nationally accredited teacher training graduate program standards; or

"(2) demonstrates to the Secretary that at least 90 percent of the graduates of such a graduate teacher training program take, and on their first attempt pass, the State teacher qualification assessments for new teachers.

##### "SEC. 281D. INDIVIDUAL SCHOLARSHIP ELIGIBILITY.

"An individual may be eligible for a National Math and Science Teacher Scholarship only if such individual—

"(1) is a citizen or national of the United States or an alien lawfully admitted to the United States for permanent residence;

"(2) is majoring in a physical or life science or mathematics graduate teacher training program;

"(3) is enrolled in a higher education institution that—

"(A) meets nationally accredited teacher training graduate program standards; or

"(B) demonstrates to the Secretary that at least 90 percent of the graduates of such a graduate teacher training program who enter the field of teaching take, and on their first attempt pass, the State teacher qualification assessments for new teachers; and

"(4) is willing to be teacher certified or licensed and commit themselves to teaching math or science in a rural or urban public secondary school for no less than 3 full academic years.

##### "SEC. 281E. SCHOLARSHIP AMOUNT.

"(a) AMOUNT OF AWARD.—The amount of scholarship awarded by participating teacher training graduate programs under this part for any academic year shall be \$10,000 per student.

"(b) ASSISTANCE NOT TO EXCEED COST OF ATTENDANCE.—No individual shall receive an award under this part in any academic year which exceeds the cost of attendance. A scholarship awarded under this part shall not be reduced on the basis of the student's receipt of other forms of Federal student financial assistance, but shall be taken into account in determining the eligibility of the student for those forms of Federal student financial assistance.

##### "SEC. 281F. AGREEMENT; GRANT AND STIPEND REPAYMENT PROVISIONS.

"(a) AGREEMENT.—Recipients of the National Math and Science Teachers Scholarships shall agree to teach in an urban or rural public secondary school for no less than 3 full academic years.

"(b) REPAYMENT FOR FAILURE TO FULFILL AGREEMENT.—Any recipients of a Scholarship found by the Secretary to be in non-compliance with the agreement entered into under subsection (a) of this section shall be required to repay a pro rata amount of the scholarship awards received, plus interest and, where applicable, reasonable collection fees, on a schedule and at a rate of interest prescribed by the Secretary by regulations.

##### "SEC. 281G. EXCEPTIONS TO REPAYMENT PROVISIONS.

"An individual recipient of a Scholarship under this part shall not be considered in violation of the agreement entered into pursuant to section 281F during any period in which the recipient—

"(1) is pursuing a full-time course of study in math and science at an accredited institution;

"(2) is serving, not in excess of 3 years, as a member of the armed services of the United States;

"(3) is totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;

"(4) is seeking and unable to find full-time employment for a single period not to exceed 12 months;

"(5) is seeking and unable to find full-time employment as a math and science teacher in a public or private nonprofit elementary or secondary school or education program for a single period not to exceed 27 months; or

"(6) satisfies the provision of additional repayment exceptions that may be prescribed by the Secretary in regulations issued pursuant to this section.

#### "SEC. 281H. REPORT TO CONGRESS.

"On or before January 29, 2002, the Secretary of Education shall submit a report to Congress evaluating the success of the National Math and Science Teacher Scholarships pilot program in recruiting math and science teachers to teach in America's public secondary schools."

H.R. 6

OFFERED BY: MR. ALLEN

AMENDMENT NO. 11: Page 267, after line 11, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(d) FINANCIAL RESPONSIBILITY FOR REFUNDS AND DURING PROVISIONAL CERTIFICATION.—

(1) AMENDMENT.—Section 498(e) is amended by adding at the end the following new paragraphs:

"(6) Notwithstanding any other provision of law, any person required to pay, on behalf of a student or borrower, a refund of unearned institutional charges to a lender, or the Secretary, who willfully fails to pay such refund or willfully attempts in any manner to evade payment of such refund, shall, in addition to other penalties provided by law, be liable to the Secretary for the amount of the refund not paid, to the same extent with respect to such refund that such an individual would be liable as a responsible person for a penalty under section 6672(a) of title 26, United States Code, with respect to the non-payment of taxes.

"(7) Notwithstanding any other provision of law, a proprietary institution of higher education, as defined in section 481(b), may be provisionally certified under subsection (h) only if it provides the Secretary with financial guarantees from one or more individuals whom the Secretary determines, in accordance with subsection (e)(2), exercise substantial control over such institution. Such financial guarantees shall be in addition to any financial guarantees otherwise required from the institution and shall be in an amount determined by the Secretary to be sufficient to satisfy the institution's potential liability to the Federal Government, student assistance recipients, and other program participants for funds under this title during the period of provisional certification."

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) relating to responsibility for unpaid refunds, shall be effective with respect to any unpaid refunds that were first required to be paid to a lender or to the Secretary on or after 90 days after the date of enactment of this Act;

(B) relating to financial guarantees required for provisional certification, shall be effective with respect to any proprietary institution of higher education provisionally certified by the Secretary on or after the date of enactment of this Act.

Page 269, after line 4, insert the following new subsection:

(i) CHANGE IN STATUS.—

(1) AMENDMENT.—Section 498(i)(2) is amended by striking subparagraph (E) and inserting the following new subparagraph:

"(E) the change in tax filing status of an institution from for-profit to non-profit; or"

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on the date of the enactment of this Act.

H.R. 6

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 12: Page 153, before line 13, insert the following new subsection (and redesignate the succeeding subsections accordingly):

"(b) CONSOLIDATION LOANS.—Notwithstanding any provision of subsection (a), with respect to any consolidation loan made under section 428C for which the first disbursement is made on or after July 1, 1998, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

"(1) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

"(2) 2.3 percent, except that such rate shall not exceed 8.25 percent.

H.R. 6

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 13: Page 154, line 18, strike "2.8 percent" and insert "2.3 percent".

Page 155, strike lines 2 and 3 and insert the following:

paragraph shall be applied by substituting '1.7 percent' for '2.3 percent'.

In clause (iv) as amended by the Manager's amendment to page 155, lines 12 through 23, relating to consolidation loans, strike "for '2.8 percent', subject'" and insert "for '2.3 percent', subject'".

H.R. 6

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 14: Page 156, after line 3, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

#### SEC. 417. INCOME CONTINGENT REPAYMENT UNDER THE FFEL PROGRAM.

Part B of title IV is amended by inserting after section 427A (20 U.S.C. 1077a) the following new section:

#### "SEC. 427B. INCOME CONTINGENT REPAYMENT OPTION

"(a) AVAILABILITY OF OPTION.—

"(1) INDIVIDUAL LOANS.—An individual who has only one loan outstanding under this part shall, not more than 6 months prior to the date on which the borrower's first payment is due, be offered by the lender the option of repaying the loan in accordance with this section.

"(2) MULTIPLE LOANS.—An individual who has two or more loans outstanding under this part may obtain a consolidation loan under section 428C for the purposes of obtaining the option of repaying the loan in accordance with this section.

"(3) DIRECT LOANS.—An individual who has one or more loans under part D of this title may obtain income contingent repayment pursuant to section 455(e).

"(4) RESTRICTION OF OPTION TO NEW BORROWERS.—Notwithstanding paragraphs (1) through (3), the option of repaying a loan in accordance with this section shall be available only to borrowers who, on the date of enactment of this section, do not have any outstanding balance of principal or interest on any loan made under this part or part D.

"(b) TERMS OF REPAYMENT UNDER OPTION.—

"(1) LOAN OBLIGATIONS UNDER OPTION.—A loan that is subject to repayment under this section shall be repaid in installments that—

"(A) are determined in accordance with paragraph (2) for each one year period beginning on July 1; and

"(B) notwithstanding the note or other written evidence of the loan and subparagraphs (D) and (E) of section 428(b)(1), shall continue to be paid until—

"(i) the borrower has repaid the principal and any accrued or capitalized interest on the loan; or

"(ii) the remaining obligations of the borrower are discharged under subsection (c).

"(2) CALCULATION OF INSTALLMENTS.—

"(A) INSTALLMENT AMOUNTS.—The total amount that a borrower shall be required to pay as installments on a loan of such borrower that is subject to repayment under this section is equal to—

"(i) one-fourth of the annual amount determined under subparagraph (B), in the case of a loan that is repaid in quarterly installments; or

"(ii) one-twelfth of such annual amount, in the case of a loan that is repaid in monthly installments.

"(B) ANNUAL AMOUNT.—The annual amount for a loan that is subject to repayment under this section is determined for each one year period beginning on July 1 of each calendar year. The annual amount is determined by reference to the taxable income of the borrower for the taxable year ending in the calendar year preceding the calendar year in which the determination is made. The annual amount is determined in accordance with the following table:

Annual limit	
If the taxable income of the borrower is—	Then the annual amount is—
Less than \$20,000 .....	3% of taxable income
\$20,001–\$40,000 .....	5% of taxable income
\$40,001–\$60,000 .....	7% of taxable income
\$60,001–\$90,000 .....	10% of taxable income
\$90,001–\$120,000 .....	15% of taxable income
\$120,001 or more .....	20% of taxable income

"(C) SPECIAL RULE FOR JOINT RETURNS.—If an individual who is a borrower of a loan that is subject to repayment under this section files a joint return for the taxable year on which the annual amount is based, then the annual amount for such individual is determined under subparagraph (B) by treating the taxable income of such individual as equal to one-half the taxable income indicated on such joint return.

"(3) CAPITALIZATION OF UNPAID INTEREST.—

If the amount that any borrower pays as an installment under paragraph (2) on a loan that is subject to repayment under this section is less than the interest that has accrued since the preceding installment, then the remaining unpaid interest shall be added, not more frequently than quarterly, to the principal amount of the loan. Such capitalization of interest shall not be deemed to exceed the annual insurable limit on the account of the borrower.

"(c) DISCHARGE OF OBLIGATION.—

"(1) UNPAID BALANCE REMAINING AFTER 25 YEARS.—If the unpaid balance on a loan that is subject to repayment under this section has not been repaid in full at the end of 25 years of repayment, then—

"(A) the Secretary shall repay the holder of such loan such unpaid balance and the holder of the loans shall be deemed to have a contractual right, as against the United States, to receive from the Secretary such unpaid balance without administrative delay after the receipt by the Secretary of an accurate and complete request for payment; and

"(B) such payment by the Secretary shall be applied to discharge the borrower from any remaining obligation with respect to the loan.

"(2) UNPAID BALANCE.—For the purposes of paragraph (1), the unpaid balance of a loan is the sum of unpaid principal and unpaid accrued and capitalized interest, and any fees, such as late charges, assessed on such loan in accordance with the requirements of this part and the regulations thereunder.

"(e) INFORMATION NEEDED FOR COLLECTION.—

"(1) ACCESS TO TAXPAYER INFORMATION.—The Secretary may obtain such information as is reasonably necessary regarding the taxable income of a borrower (and the borrower's spouse, if applicable) of a loan that is subject to repayment under this section for the purpose of determining the installment caps under subsection (b)(2). Returns and return information (as defined in section 6103 of the Internal Revenue Code of 1986) may be obtained under the preceding sentence only to the extent authorized by section 6103(l)(13) of such Code.

"(2) ADDITIONAL DOCUMENTS.—A borrower of a loan that is subject to repayment under this section and for whom taxable income is unavailable or does not reasonably reflect the borrower's current income, shall provide to the Secretary other documentation of income satisfactory to the Secretary.

"(3) TRANSMISSION OF DATA TO LENDERS.—The Secretary shall, by regulation, establish procedures for the transmission of data gathered under (1) and (2) to the lender or holder of a loan that is subject to repayment under this section.

"(4) NOTIFICATION TO BORROWERS.—The Secretary shall establish procedures under which a borrower of a loan that is subject to repayment under this section is notified of the terms and conditions of such loan, including notification of such borrower—

"(A) that the Internal Revenue Service will disclose to the Secretary tax return information as authorized under section 6103(l)(13) of the Internal Revenue Code of 1986; and

"(B) that if a borrower considers that special circumstances, such as a loss of employment by the borrower or the borrower's spouse, warrant an adjustment in the borrower's loan repayment as determined using the information described in subparagraph (A), or the alternative documentation described in paragraph (2), the borrower may contact the Secretary, who shall determine whether such adjustment is appropriate, in accordance with criteria established by the Secretary.

"(f) DEFINITIONS.—For purposes of this section:

"(1) TAXABLE INCOME.—The taxable income of a borrower is determined in the manner provided in section 63 of the Internal Revenue Code of 1986.

"(2) TAXABLE YEAR.—The term 'taxable year' means the taxable year of a taxpayer for purposes of subtitle A of such Code."

Page 204, after line 5, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

**SEC. 438. INCOME CONTINGENT REPAYMENT UNDER THE FEDERAL DIRECT LOAN PROGRAM.**

Section 455(e) of the Higher Education Act of 1965 (20 U.S.C. 1087e(e)) is amended to read as follows:

"(e) PARALLEL INCOME CONTINGENT REPAYMENT.—

"(1) IN GENERAL.—The Secretary shall offer borrowers under this part the option of repaying their loans in the same manner as loans that are subject to repayment in accordance with section 427B.

"(2) EXCEPTIONS.—The Secretary shall prescribe any regulations necessary to implement the requirements of paragraph (1)."

H.R. 6

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 15: Page 163, strike out lines 16 and 17 and insert in lieu thereof the following:

(p) LENDERS-OF-LAST-RESORT.—Section 428(j)(3) is amended—

(1) in subparagraph (A)—

(A) in the heading thereof, by striking "DURING TRANSITION TO DIRECT LENDING";

(B) by striking out "during the transition from the Federal Family Education Loan Program under this part to the Federal Direct Student Loan Program under part D of the title," and inserting a comma;

(C) by inserting "designated for a State" immediately after "a guaranty agency"; and (D) by inserting "subparagraph (C) and" immediately before "section 422(c)(7)."; and

(2) by adding at the end thereof the following new subparagraph:

"(C) The Secretary shall exercise the authority described in subparagraph (A) only if the Secretary determines that eligible borrowers are seeking and are unable to obtain loans under this part, and that the guaranty agency designated for that State has the capability to provide lender-of-last-resort loans in a timely manner, in accordance with its obligations under paragraph (1), but cannot do so without advances provided by the Secretary under this paragraph. If the Secretary makes the determinations described in the preceding sentence and determines that it would be cost-effective to do so, the Secretary may provide advances under this paragraph to that guaranty agency. If the Secretary determines that guaranty agency does not have such capability, or will not provide such loans in a timely fashion, the Secretary may provide such advances to enable another guaranty agency, that the Secretary determines to have such capability, to make lender-of-last-resort loans to eligible borrowers in that State who are experiencing loan access problems."

H.R. 6

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 16: Page 164, after line 25, insert the following new subsection:

(t) NOTICE OF AVAILABILITY OF INCOME-SENSITIVE REPAYMENT OPTION.—

(1) AMENDMENT.—Section 428 is further amended by adding at the end the following new subsection:

"(o) NOTICE OF AVAILABILITY OF INCOME-SENSITIVE REPAYMENT OPTION.—At the time of offering a borrower a loan under this part, and at the time of offering the borrower the option of repaying a loan in accordance with this subsection, the lender shall provide the borrower with a notice that informs the borrower, in a form prescribed by the Secretary by regulation—

"(1) that all borrowers are eligible for income-sensitive repayment through loan consolidation under section 428C;

"(2) the procedures by which the borrower may elect income-sensitive repayment; and

"(3) where and how the borrower may obtain additional information concerning income-sensitive repayment."

(2) CONFORMING AMENDMENTS.—

(A) Section 428(b)(1)(E)(i) is amended by inserting before the semicolon the following: "or of repaying the loan in accordance with an income-sensitive repayment schedule offered pursuant to section 428C".

(B) Section 485(b)(1)(A) is amended—

(i) by striking "and" at the end of clause (i);

(ii) by striking the period at the end of clause (ii) and inserting "; and"; and

(iii) by adding at the end the following new clause:

"(iii) the information required to be disclosed by lenders pursuant to section 428(o)."

H.R. 6

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 17: Page 164, after line 25, insert the following new section (and conform the table of contents accordingly):

**SEC. 417A. ADDITIONAL REDUCTIONS AND BENEFITS.**

(a) LENDER AND HOLDER RISK SHARING.—Section 428(b)(1)(G) (20 U.S.C. 1078(b)(1)(G)) is amended by striking "98 percent" and inserting "95 percent".

(b) INSURANCE PREMIUMS.—Section 428(b)(1)(H) of such Act is amended—

(1) by inserting the clause designation "(i)" following the subparagraph designation;

(2) by striking "the loan," and inserting "any loan made under section 428 or 428B before July 1, 1998,"; and

(3) after clause (i) (as redesignated by paragraph (1)), by adding "and" and the following new clause:

"(ii) provides that no insurance premiums shall be charged to the borrower of any loan made under section 428 or 428B on or after July 1, 1998;"

(c) DIRECT LOAN ORIGATION FEES.—Section 455(c) (20 U.S.C. 1087e(c)) is amended—

(1) by striking "The Secretary" and inserting "(1) For loans made under this part before July 1, 1998, the Secretary";

(2) by striking "of a loan made under this part"; and

(3) by adding at the end thereof the following new paragraph:

"(2) For Federal Direct Stafford/Ford Loans made under this part on or after July 1, 1998, the Secretary shall charge the borrower an origination fee of 3.0 percent of the principal amount of the loan."

(d) SECRETARY'S EQUITABLE SHARE OF COLLECTIONS.—

(1) AMENDMENT.—Section 428(c)(6)(A)(ii) (20 U.S.C. 1078(c)(6)(A)(ii)), as amended by section 412(d)(2)(A), is further amended by striking "24 percent" and inserting "18.5 percent".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) of this subsection shall be effective with respect to any payments made by borrowers on or after October 1, 1997.

H.R. 6

OFFERED BY: MRS. CLAYTON

AMENDMENT NO. 18: Page 248, line 4, strike "and"; on line 10, strike the second period and insert "; and", and after line 10 insert the following:

(7) by adding at the end the following new paragraph:

"(23) The institution will distribute to each student, during registration for enrollment in its instructional program, the mail voter registration application form described in section 9(a)(2) of the National Voter Registration Act of 1993, unless the student, in writing, declines to receive such form."

H.R. 6

OFFERED BY: MR. EDWARDS

AMENDMENT NO. 19: In section 271 of the Higher Education Act of 1965, as amended by the manager's amendment offered by the Gentleman from Pennsylvania, strike "and" at the end of paragraph (2), strike the period at the end of paragraph (3) and insert "; and", and after such paragraph (3) insert the following new paragraph:

"(4) to provide competitive grants to States for assistance in improving the managerial skills of school principals and superintendents.

In section 273(a) of the Higher Education Act of 1965, as amended by the manager's amendment offered by the Gentleman from Pennsylvania, add at the end the following new paragraphs:

"(7) Developing and implementing effective mechanisms to provide principals and superintendents with advanced managerial skills.

"(8) Creating opportunities for school principals and superintendents to further their professional development by providing advanced managerial skills training.

H.R. 6

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT No. 20: Insert at the end of section 271(1) of the Higher Education Act of 1965 as amended by the manager's amendment offered by the Gentleman from Pennsylvania the following: ", such as math, science, English, foreign languages, history, economics, art, and civics".

H.R. 6

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT No. 21: Page 310, strike line 3 and insert the following (and redesignate the succeeding paragraph accordingly):

(3) in subsection (c)(2)—

(A) by striking "and" at the end of subparagraph (E);

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following new subparagraph:

"(F) professional graduate degrees in translation and interpretation; and"; and

H.R. 6

OFFERED BY: MR. FOLEY

AMENDMENT No. 22: Page 346, after line 24, insert the following new part (and conform the table of contents accordingly):

Part C—General Education Provisions Act

**SEC. 961. ACCESS TO RECORDS CONCERNING CRIMES OF VIOLENCE.**

Section 444(h) of the General Education Provisions Act (20 U.S.C. 1232g(h)) is amended to read as follows:

"(h) DISCIPLINARY RECORDS.—(1) Nothing in this section shall prohibit an educational agency or institution from—

"(A) including appropriate information in the education record of any student concerning disciplinary action taken against such student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community; or

"(B) disclosing such information to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

"(2) Nothing in this section shall prohibit any post-secondary educational agency or institution from disclosing disciplinary records of any kind which contain information that personally identifies a student or students who have either admitted to or been found to have committed any act, which is a crime of violence (as that term is defined in section 16 of title 18, United States Code), in violation of institutional policy, either as a violation of the law or a specific institutional policy, where such records are directly related to such misconduct."

H.R. 6

OFFERED BY: MR. GORDON

AMENDMENT No. 23: Page 53, after line 3, insert the following new part (and conform the table of contents accordingly):

**Part C—Year 2000 Computer Compliance**  
**SEC. 121. YEAR 2000 AUTHORIZATION.**

To ensure that all computer operations and processing including title IV aid processing delivery, and administration is provided without interruption by the Department of Education beyond December 31, 1999, the Secretary of Education shall take each of the following actions:

(1) Publish a risk assessment of the systems and hardware under the Department's

management that has been reviewed by an independent audit firm no later than 60 days after the date of enactment of this Act and to submit such a report to the House and Senate authorizing committees.

(2) Take actions necessary to ensure that all internal and external systems and hardware administered by the Department and required for aid processing and administration under title IV of the Higher Education Act of 1965 are Year 2000 compliant to the extent necessary to ensure that no business interruption occurs. Such actions shall include—

(A) establishing schedules for testing and implementing new exchange formats prior to 1 March 1999 for completing all data exchange corrections; which schedules may include national test days that could be used for end-to-end testing of critical business processes and associated data exchanges affecting Federal, State, and local governments;

(B) notifying exchange partners of the implications to the agency and the exchange partners if they do not make date conversion corrections in time to meet the federal schedule for implementing and testing Year 2000 compliant data exchange processes;

(C) giving priority to installing the filters necessary to prevent the corruption of mission-critical systems from data exchanges with noncompliant systems; and

(D) developing and implementing, as part of the Department's overall business continuity and contingency planning efforts, specific provision for the data exchanges that may fail, including the approaches to be used to mitigate operational problems if their partners do not make date conversion corrections when needed.

(3) Have a qualified independent audit firm review the Department's Year 2000 system and hardware compliance and submit a report on its review to the Secretary and to the chairs of the respective House and Senate authorizing committees no later than June 30, 1999.

(4) Convene at least quarterly meetings with individuals from the school, student, lender, and guarantor communities beginning 30 days after the date of enactment of this act to be responsible—

(A) for reviewing the risk assessment and audit report provided for in paragraphs (1) and (3);

(B) for monitoring the Department's implementation of the Year 2000 change;

(C) for assisting the Department with the development of contingency plans for any item reported to be noncompliant under paragraph (3);

(D) publishing quarterly reports on implementation progress which shall include the Department's status in completing key steps for data exchanges, such as the percent of exchanges inventoried, assess, for which agreements have been reached, testing and implementation schedules and testing and implementation completed; and

(E) providing such a report to the respective House and Senate authorizing committees.

H.R. 6

OFFERED BY: MR. GORDON

AMENDMENT No. 24: Page 138, beginning on line 9, strike subsection (e) through page 139, line 9, and insert the following:

"(e) OWNERSHIP OF FEDERAL FUND.—The Federal fund of the guaranty agency, and nonliquid assets, such as buildings and equipment, purchased by the guaranty agency, in whole or in part with Federal reserve funds, regardless of who holds or controls the reserves or assets, shall be considered to be the property of the United States and the guaranty agency, prorated as to their respec-

tive ownership based on the percentage of such asset acquired with such Federal reserve funds and any other funds, to be used by such agency as authorized by this part. To the extent that a nonliquid asset was acquired only in part with Federal reserve funds, and the cost of such asset was allocated between such Federal reserve funds and other funds, the Secretary may restrict or regulate the use of such asset only to the extent necessary to reasonably protect the Secretary's prorated share of the value of such assets.

Page 142, after line 22, insert the following new paragraph (and redesignate the succeeding paragraph accordingly):

"(3) PURCHASE OF NONLIQUID ASSETS.—The guaranty agency may use the Operating Fund or other non-Federal funds to purchase nonliquid assets of the agency originally acquired, in whole or in part, with Federal reserve funds. Such nonliquid assets may be purchased at fair market value, prorated based on the percentage of such asset acquired with Federal reserve funds; except that a guaranty agency may not use the Operating Fund to purchase any such nonliquid assets during any period in which funds are owed to the Federal Student Loan Reserve Fund as a result of a transfer under 422A(f). The prorated purchase amount shall be deposited in the Federal Student Loan Reserve Fund of the guaranty agency.

Page 143, line 5, strike "the due diligence" and insert "any due diligence".

Page 143, line 7, insert before the period the following: "which are no more burdensome than those regulations in effect upon the date of enactment of this section".

Page 143, line 14, insert before the period the following: "which are no more burdensome than those regulations in effect upon the date of enactment of this section".

Page 144, line 3, strike "The" and insert "Notwithstanding any other provision of law, the".

Page 149, strike line 22 through page 150, line 2, and insert following:

aversion fee. Such fee shall be paid for any loan on which a claim for default has not been paid that the guaranty agency brings into current repayment status on or before the 210th day after the loan becomes 60 days delinquent.

Page 150, strike line 6 through line 10, and insert the following:

by the lender. Such fee shall not be paid more than once on any loan for which the guaranty agency averts the default unless the lender filed a default aversion assistance request at least 12 months after the borrower became current in payments. A guaranty agency may

H.R. 6

OFFERED BY: MR. GORDON

AMENDMENT No. 25: Page 154, beginning on line 5, strike subparagraph (F) through page 155, line 19, and insert the following:

"(F) Subject to paragraph (4), the special allowances paid pursuant to this subsection on loans made on or after July 1, 1998 for which the applicable interest rate is determined under section 427A(a) shall be computed—

"(i) by determining the bond equivalent rate of the average of the quotes as reported by the Federal Reserve of the 3-month commercial paper (financial) rate in effect for each of the days in the quarter for which the rate is being determined;

"(ii) by subtracting the applicable interest rate on such loan from such applicable bond equivalent rate;

"(iii) (I) for Stafford loans during any period in which principal need not be paid (whether or not such principal is in fact

paid) by reason of provision described in section 428(b)(1)(M) or 427(a)(2)(C), by adding 1.8 percent to the resultant percent, (II) for Stafford loans during any other periods, by adding 2.39 percent to the resultant percent, or (III) or PLUS loans, by adding 3.1 percent to the resultant percent; and

“(iv) by dividing the resultant percent by 4.”.

H.R. 6

OFFERED BY: MR. HALL OF TEXAS

AMENDMENT NO. 26: At the appropriate place in the bill in Title VIII insert the following new section:

**SEC. . TEXAS COLLEGE PROVISION.**

The Secretary may not consider audit deficiencies relating to record keeping with respect to qualifying students for financial aid at Texas College, located in Tyler, Texas, for academic years prior to academic year 1994–1995 in determining whether Texas College complies with the financial responsibility and administrative capacity standards under Section 498 of the Higher Education Act of 1965, if Texas College has made a good faith effort to furnish records to the Department with respect to such audits.

H.R. 6

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 27: Page 136, line 19 add the following new section:

**TITLE IV—GUARANTY AGENCY REFORMS**

**SEC. 413. GUARANTY AGENCY REFORMS.**

Directs the Secretary to conduct a study to investigate to what extent the actions of the lenders and the guarantors impact upon the default rates of student borrowers as it relates to the servicing of the loans or the due diligence of the loan.

H.R. 6

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 28: Page 149, line 13, strike “60th” and insert “120th”.

Page 150, line 2, strike “60 days” and insert “120 days”.

H.R. 6

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 29: Page 182, line 14, strike the close quotation marks and following period and after such line insert the following new paragraph:

“(7) **AUTHORITY OF THE SECRETARY TO ASSIST DISTRESSED INSTITUTION.**—The Secretary is authorized to provide administrative, fiscal, management, strategic planning, and technical assistance through a qualified third-party consultant identified by the institution or an organization representing such institutions. Institutions eligible for such assistance include those institutions which qualify for the exemption in paragraph (2)(C)(i), (ii), and (iii) of this subsection, or which have submitted a default management plan under paragraph (5) which has been accepted by the Secretary.

H.R. 6

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 30: Page 270, after line 16, insert the following new section:

**SEC. 480. RELIEF FROM OBLIGATION.**

To the extent authorized in advance in an appropriation Act, the Secretary may, in settlement of claims found or arising under audits and program reviews under title IV of the Higher Education Act of 1965, forgive the obligations to pay such claims of Texas Southern University relating to the administration of programs under such title, subject to such terms and conditions as Secretary may require with respect to conduct of programs under such title on and after the date of enactment of this Act.

H.R. 6

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 31: at the end of the bill, add the following new title:

**TITLE XIII—EARLY DYSLEXIA DETECTION**

**SEC. 1202. EARLY DYSLEXIA DETECTION.**

Directs the Secretary to conduct a study and submit a report to the Congress on methods for identifying students with dyslexia early in their educational training, and conduct such study in conjunction with the National Academy of Sciences.

H.R. 6

OFFERED BY: MRS. KELLY

AMENDMENT NO. 32: Page 128, line 12, strike the close quotation marks and following period and after such line insert the following new chapter:

**“CHAPTER 6—PUBLIC SAFETY OFFICER MEMORIAL SCHOLARSHIPS.**

**“SEC. 411A. SCHOLARSHIPS AUTHORIZED.**

“(a) **IN GENERAL.**—

“(1) **SCHOLARSHIP AWARDS.**—The Secretary is authorized to award a scholarship to—

“(A) any eligible applicant who is attending, or who has been accepted for attendance at, any eligible institution providing instruction for one or more of grades kindergarten through 12; or

(B) any eligible applicant who is enrolled, or has been accepted for enrollment, in an eligible institution as a full-time or part-time post-secondary level student.

“(2) **APPLICATION.**—To receive a scholarship award under this chapter, each eligible applicant shall submit an application to the Secretary in such time and manner as may be determined appropriate by the Secretary, accompanied by a certification from the head of the agency that employed the public safety officer to whom the applicant was married (in the case of a surviving spouse), or with whom the applicant was living or from whom the applicant was receiving support contributions (in the case of a dependent child), stating that such officer died as a result of the performance of the officer's official duties.

“(b) **MAXIMUM AWARD.**—

“(1) **ELEMENTARY AND SECONDARY AWARDS.**—For any academic year, the maximum amount of a scholarship award under this section for a kindergarten or elementary or secondary school student may equal, but not exceed, the lesser of the following:

“(A) The average per pupil expenditure for elementary and secondary education of the local educational agency for the geographic area in which the eligible applicant resides.

“(B) The actual cost to the student for attendance at the school, including expenses such as tuition, fees, books, transportation costs, and other related expenses determined by the Secretary.

“(2) **POSTSECONDARY AWARDS.**—For any academic year, the maximum amount of a scholarship award under this section for a postsecondary student may equal, but not exceed, the lesser of the following:

“(A) The average cost of attendance (as defined in section 472), at a State university in the State in which the student resides, for a State resident carrying the same academic workload as the student, with the same number of dependents as the student, and residing in the same type of housing as the student.

“(B) The actual cost of attendance (as defined in section 472) of such student.

“(c) **AWARD PERIOD.**—The duration of each award under this chapter—

“(1) for a kindergarten or elementary or secondary school student, shall be the period of time normally required for the completion

of a high school diploma by a student in the grade that the recipient is in at the time the award commences; and

“(2) for a postsecondary student, shall be the lesser of—

“(A) the time actually required by the student to complete a course of study and obtain a diploma; and

“(B) 6 years in the case of a student engaged in undergraduate studies and 3 years in the case of a student engaged in postgraduate studies.

“(d) **NOTIFICATION.**—The Secretary shall notify the recipient and the eligible institution of the applicant's selection for receipt of an award under this chapter, the conditions pertaining to award eligibility and continuance.

“(e) **FISCAL AGENT.**—The Secretary shall, if practicable, use the eligible institution as fiscal agent for payment of an award.

**“SEC. 411B. ADDITIONAL AWARD REQUIREMENTS.**

A student awarded a scholarship grant under this chapter, as a condition for initial receipt of such award and periodically thereafter as a condition for its continuation, shall demonstrate to the satisfaction of the Secretary that the student is—

“(1) maintaining satisfactory progress in the course of study the student is pursuing—

“(A) in the case of a kindergarten or elementary or secondary school student, as determined by the Secretary; and

“(B) in the case of a postsecondary student, consistent with section 484(c);

“(2) committed to remaining drug-free; and

“(3) attending class on a regular basis as to not interfere with normal course of studies except for excused absence for vacation, illness, military service and such other periods deemed good cause by the eligible institution or the Secretary.

**“SEC. 411C. AGREEMENTS WITH ELIGIBLE INSTITUTIONS.**

For the purposes of this chapter, the Secretary is authorized to enter into agreements with eligible institutions in which any student receiving a scholarship award under this chapter has enrolled or has been accepted for enrollment. Each such agreement shall—

“(1) provide that an eligible institution will cooperate with the Secretary in carrying out the provisions of this chapter, including the provision of information necessary for a student to satisfy the requirements in section 411B;

“(2) provide that the institution will conduct a periodic review to determine whether students enrolled and receiving scholarship awards continue to be entitled to payments under this chapter and will notify the Secretary of the results of such reviews; and

“(3) provide for control and accounting procedures as may be necessary to assure proper disbursements and accounting of funds paid under to the institution under section 411A(e).

**“SEC. 411D. DEFINITIONS.**

In this chapter:

“(1) **DEPENDENT CHILD.**—The term ‘dependent child’ means a child who is either living with or receiving regular support contributions from a public safety officer at the time of the officer's death, including a stepchild or an adopted child.

“(2) **ELIGIBLE APPLICANT.**—The term ‘eligible applicant’ means a person residing in a State who is—

“(A) a surviving spouse; or

“(B) a dependent child.

“(3) **ELIGIBLE INSTITUTION.**—The term ‘eligible institution’ means a public or private kindergarten or elementary or secondary school, or any institution defined in section 435(a), if the kindergarten, school, or institution—

"(A) is located in a State; and

"(B) complies with the antidiscrimination provisions of section 601 of the Civil Rights Act of 1964 and does not discriminate on the basis of race.

"(4) **PUBLIC SAFETY OFFICERS.**—The term 'public safety officer' means a person serving a public agency of a State or of a unit of general local government, with or without compensation, as—

"(A) a law enforcement officer, including a corrections or a court officer engaged in—

"(i) apprehending or attempting to apprehend any person—

"(I) for the commission of a criminal act; or

"(II) who at the time was sought as a material witness in a criminal proceeding; or

"(ii) protecting or guarding a person held for the commission of a criminal act, or held as a material witness in connection with a criminal act; or

"(iii) lawfully preventing of, or lawfully attempting to prevent the commission of, a criminal act or an apparent criminal act, in the performance of his official duty; or

"(B) a firefighter.

"(5) **SURVIVING SPOUSE.**—The term 'surviving spouse' means the legally married husband or wife of a public safety officer at the time of the officer's death.

"(6) **UNIT OF GENERAL LOCAL GOVERNMENT.**—The term 'unit of general local government' means any city, country, township, town, borough, parish, village, or any other general purpose subdivision of a State, or any Indian tribe which the Secretary of the Interior determines performs law enforcement functions."

H.R. 6

OFFERED BY: MRS. KELLY

AMENDMENT 33: Page 128, line 12, strike the close quotation marks and following period and after such line insert the following new chapter:

#### **"CHAPTER 6—PUBLIC SAFETY OFFICER MEMORIAL SCHOLARSHIPS.**

##### **"SEC. 411A. SCHOLARSHIPS AUTHORIZED.**

"(a) **IN GENERAL.**—

"(1) **SCHOLARSHIP AWARDS.**—The Secretary is authorized to award a scholarship to any eligible applicant who is enrolled, or has been accepted for enrollment, in an eligible institution as a full-time or part-time postsecondary level student.

"(2) **APPLICATION.**—To receive a scholarship award under this chapter, each eligible applicant shall submit an application to the Secretary in such time and manner as may be determined appropriate by the Secretary, accompanied by a certification from the head of the agency that employed the public safety officer to whom the applicant was married (in the case of a surviving spouse), or with whom the applicant was living or from whom the applicant was receiving support contributions (in the case of a dependent child), stating that such officer died as a result of the performance of the officer's official duties.

"(b) **MAXIMUM AWARD.**—For any academic year, the maximum amount of a scholarship award under this section for a postsecondary student may equal, but not exceed, the lesser of the following:

"(1) The average cost of attendance (as defined in section 472), at a State university in the State in which the student resides, for a State resident carrying the same academic workload as the student, with the same number of dependents as the student, and residing in the same type of housing as the student.

"(2) The actual cost of attendance (as defined in section 472) of such student.

"(c) **AWARD PERIOD.**—The duration of each award under this chapter for a postsecondary student, shall be the lesser of—

"(1) the time actually required by the student to complete a course of study and obtain a diploma; and

"(2) 6 years in the case of a student engaged in undergraduate studies and 3 years in the case of a student engaged in postgraduate studies.

"(d) **NOTIFICATION.**—The Secretary shall notify the recipient and the eligible institution of the applicant's selection for receipt of an award under this chapter, the conditions pertaining to award eligibility and continuation.

"(e) **FISCAL AGENT.**—The Secretary shall, if practicable, use the eligible institution as fiscal agent for payment of an award.

##### **"SEC. 411B. ADDITIONAL AWARD REQUIREMENTS.**

A student awarded a scholarship grant under this chapter, as a condition for initial receipt of such award and periodically thereafter as a condition for its continuation, shall demonstrate to the satisfaction of the Secretary that the student is—

"(1) maintaining satisfactory progress in the course of study the student is pursuing consistent with section 484(c);

"(2) committed to remaining drug-free; and

"(3) attending class on a regular basis as to not interfere with normal course of studies except for excused absence for vacation, illness, military service and such other periods deemed good cause by the eligible institution or the Secretary.

##### **"SEC. 411C. AGREEMENTS WITH ELIGIBLE INSTITUTIONS.**

For the purposes of this chapter, the Secretary is authorized to enter into agreements with eligible institutions in which any student receiving a scholarship award under this chapter has enrolled or has been accepted for enrollment. Each such agreement shall—

"(1) provide that an eligible institution will cooperate with the Secretary in carrying out the provisions of this chapter, including the provision of information necessary for a student to satisfy the requirements in section 411B;

"(2) provide that the institution will conduct a periodic review to determine whether students enrolled and receiving scholarship awards continue to be entitled to payments under this chapter and will notify the Secretary of the results of such reviews; and

"(3) provide for control and accounting procedures as may be necessary to assure proper disbursements and accounting of funds paid under to the institution under section 411A(e).

##### **"SEC. 411D. DEFINITIONS.**

In this chapter:

"(1) **DEPENDENT CHILD.**—The term 'dependent child' means a child who is either living with or receiving regular support contributions from a public safety officer at the time of the officer's death, including a stepchild or an adopted child.

"(2) **ELIGIBLE APPLICANT.**—The term 'eligible applicant' means a person residing in a State who is—

"(A) a surviving spouse; or

"(B) a dependent child.

"(3) **ELIGIBLE INSTITUTION.**—The term 'eligible institution' means an eligible institution as defined in section 435(a) that—

"(A) is located in a State; and

"(B) complies with the antidiscrimination provisions of section 601 of the Civil Rights Act of 1964 and does not discriminate on the basis of race.

"(4) **PUBLIC SAFETY OFFICER.**—The term 'public safety officer' means a person serving a public agency of a State or of a unit of general local government, with or without compensation, as—

"(A) a law enforcement officer, including a corrections or a court officer engaged in—

"(i) apprehending or attempting to apprehend of any person—

"(I) for the commission of a criminal act; or

"(II) who at the time was sought as a material witness in a criminal proceeding; or

"(ii) protecting or guarding a person held for the commission of a criminal act, or held as a material witness in connection with a criminal act; or

"(iii) lawfully preventing of, or lawfully attempting to prevent the commission of, a criminal act or an apparent criminal act in the performance of his official duty; or

"(B) a firefighter.

"(5) **SURVIVING SPOUSE.**—The term 'surviving spouse' means the legally married husband or wife of a public safety officer at the time of the officer's death.

"(6) **UNIT OF GENERAL LOCAL GOVERNMENT.**—The term 'unit of general local government' means any city, county, township, town, borough, parish, village, or any other general purpose subdivision of a State, or any Indian tribe which the Secretary of the Interior determines performs law enforcement functions."

H.R. 6

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT No. 34: Page 33, after line 10, insert the following new section (and redesignate the succeeding section and conform the table of contents accordingly):

##### **SEC. 103. NATIONAL RECOGNITION AWARDS.**

Section 111, as redesignated by section 101(a)(3)(E), is amended by adding at the end the following new subsection:

"(e) **NATIONAL RECOGNITION AWARDS.**—

"(1) **AWARDS.**—For the purpose of providing models of alcohol and drug abuse prevention and education (including treatment-referral) programs in higher education and to focus national attention on exemplary alcohol and drug abuse prevention efforts, the Secretary of Education shall, on an annual basis, make 10 National Recognition Awards to institutions of higher education that have developed and implemented effective alcohol and drug abuse prevention and education programs. Such awards shall be made at a ceremony in Washington, D.C. and a document describing the programs of those who receive the awards shall be distributed nationally.

"(2) **APPLICATION.**—

"(A) **IN GENERAL.**—A national recognition award shall be made under paragraph (1) to institutions of higher education which have applied for such award. Such an application shall contain—

"(i) a clear description of the goals and objectives of the alcohol and drug abuse programs of the institution applying,

"(ii) a description of program activities that focus on alcohol and other drug policy issues, policy development, modification, or refinement, policy dissemination and implementation, and policy enforcement;

"(iii) a description of activities that encourage student and employee participation and involvement in both activity development and implementation;

"(iv) the objective criteria used to determine the effectiveness of the methods used in such programs and the means used to evaluate and improve the program efforts;

"(v) a description of special initiatives used to reduce high-risk behavior or increase low risk behavior, or both; and

"(vi) a description of coordination and networking efforts that exist in the community in which the institution is located for purposes of such programs.

"(B) **ELIGIBILITY CRITERIA.**—All institutions of higher education which are two- and four-year colleges and universities that have established a drug and alcohol prevention



and education program are eligible to apply for a National Recognition Award. To receive such an Award an institution of higher education must be nominated to receive it. An institution of higher education may nominate itself or be nominated by others such as professional associations or student organizations.

“(C) APPLICATION REVIEW.—The Secretary of Education shall appoint a committee to review applications submitted under subparagraph (A). The committee may include representatives of Federal departments or agencies whose programs include alcohol and drug abuse prevention and education efforts, directors or heads (or their representatives) of professional associations that focus on prevention efforts, and non-Federal scientists who have backgrounds in social science evaluation and research methodology and in education. Decisions of the committee shall be made directly to the Secretary without review by any other entity in the Department of Education.

“(D) REVIEW CRITERIA.—Specific review criteria shall be developed by the Secretary in conjunction with the appropriate experts. In reviewing applications under subparagraph (C) the committee shall consider—

“(i) measures of effectiveness of the program of the applicant that should include changes in the campus alcohol and other drug environment or climate and changes in alcohol and other drug use before and after the initiation of the program; and

“(ii) measures of program institutionalization, including an assessment of needs of the institution, the institution's alcohol and drug policies, staff and faculty development activities, drug prevention criteria, student, faculty, and campus community involvement, and a continuation of the program after the cessation of external funding.

“(3) AUTHORIZATION.—For the implementation of the awards program under this subsection, there are authorized to be appropriated \$25,000 for fiscal year 1998, \$66,000 for each of the fiscal years 1999 and 2000, and \$72,000 for each of the fiscal years 2001, 2002, 2003, and 2004.”.

H.R. 6

OFFERED BY: MR. KENNEDY OF  
MASSACHUSETTS

AMENDMENT NO. 35: Page 33, after line 10, insert the following new section (and redesignate the succeeding section and conform the table of contents accordingly):

**SEC. 103. GRANTS AND CONTRACTS FOR DRUG AND ALCOHOL ABUSE PREVENTION.**

(a) GRANT AND CONTRACT AUTHORITY.—Section 111, as redesignated by section 101(a)(3)(E), is amended by adding at the end the following new subsection:

“(e)(1) The Secretary may make grants to institutions of higher education or consortia of such institutions and contracts with such institutions and other organizations to develop, implement, operate, improve, and disseminate programs of prevention, and education (including treatment-referral) to reduce and eliminate the illegal use of drugs and alcohol and their associated violence. Such contracts may also be used for the support of a higher education center for alcohol and drug abuse prevention which will provide training, technical assistance, evaluation, dissemination and associated services and assistance to the higher education community as defined by the Secretary and the institutions of higher education.

“(2) Grants and contracts shall be made available under paragraph (1) on a competitive basis. An institution of higher education, a consortium of such institutions, or other organizations which desire to receive a grant or contract under paragraph (1) shall submit an application to the Secretary at

such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require by regulation.

“(3) The Secretary shall make every effort to ensure—

“(A) the equitable participation of private and public institutions of higher education (including community and junior colleges), and

“(B) the equitable geographic participation of such institutions,

in grants and contracts under paragraph (1). In the award of such grants and contracts, the Secretary shall give appropriate consideration to institutions of higher education with limited enrollment.

“(4) There are authorized to be appropriated to carry out this subsection \$5,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.”.

(b) REPEAL.—Section 4122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7132) is repealed.

H.R. 6

OFFERED BY: MR. KENNEDY OF  
MASSACHUSETTS

AMENDMENT NO. 36: Page 123, after line 13, insert the following chapter (and redesignate the succeeding chapters accordingly):

**“CHAPTER 5—PUBLIC INFORMATION**

**“SEC. 409A. DATABASE AND INFORMATION LINE.**

“From the funds available under section 409C, the Secretary shall award a contract to maintain and improve—

“(1) a computerized database of all public and private student financial assistance programs, to be accessible to schools and libraries through either modems or toll-free telephone lines; and

“(2) a toll-free information line, including access by telecommunications devices for the deaf (‘TDD’s’), to provide individualized financial assistance information to parents, students, and other individuals, including individuals with disabilities, and to refer students with disabilities and their families to the postsecondary clearinghouse that is authorized under section 633(c) of the Individuals with Disabilities Education Act.

**“SEC. 409B. COLLEGE AWARENESS INFORMATION PROGRAM.**

“(a) PROGRAM AUTHORITY.—The Secretary is authorized to make grants to, and enter into contracts or cooperative agreements with, institutions of higher education and other public and private institution, agencies, and organizations—

“(1) to conduct an information program designed—

“(A) to broaden the early awareness of postsecondary educational opportunities by elementary secondary school students and their parents; and

“(B) to encourage economically disadvantaged, minority, or at-risk individuals to seek higher education, and to seek higher education and financial assistance counseling at public schools and libraries; and

“(2) to disseminate college awareness information and related data, including establishment and maintenance of an electronic site for such information and data.

“(b) CONTENTS OF MESSAGES.—Announcements and messages supported under this section—

“(1) may be specially designed for students of limited English proficiency,

“(2) shall publicize—

“(A) the availability of Federal student assistance under this Act;

“(B) the importance of postsecondary education in long-term career planning; and

“(C) the need and necessity to complete a secondary education program successfully in order to meet the requirements for college.

“(c) INFORMING CONGRESS.—The Secretary shall keep the appropriate committees of the Congress informed with respect to the efforts made pursuant to this section and shall recommend any additional legislative authority that will serve the purposes of this section.

**“SEC. 409C. DATABASE AND INFORMATION LINE.**

“There are authorized to be appropriated \$15,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out this chapter.”.

H.R. 6

OFFERED BY: MR. KENNEDY OF  
MASSACHUSETTS

AMENDMENT NO. 37: Page 128, line 12, strike the close quotation marks and following period and after such line insert the following new chapter:

**“Chapter 6—Paul E. Tsongas Fellowships**

**“SEC. 411A. SHORT TITLE.**

“This chapter may be cited as the ‘Paul E. Tsongas Fellowship Act’.

**“SEC. 411B. STATEMENT OF PURPOSE.**

“It is the purpose of this chapter to encourage individuals of exceptional achievement and promise, especially members of traditionally underrepresented groups, to pursue careers in fields that confront the global energy and environmental challenges of the 21st century.

**“SEC. 411C. DOCTORAL FELLOWSHIPS AUTHORIZED.**

“(a) PROGRAM AUTHORIZED.—The Secretary of Education, in consultation with the Secretary of Energy, is authorized to award doctoral fellowships, to be known as Paul E. Tsongas Doctoral Fellowships, in accordance with the provisions of this chapter for study and research in fields of science or engineering that relate to energy or the environment such as physics, mathematics, chemistry, biology, computer science, materials science, environmental science, behavioral science, and social sciences at institutions proposed by applicants for such fellowships.

“(b) PERIOD OF AWARD.—A fellowship under this section shall be awarded for a period of three succeeding academic years, beginning with the commencement of a program of doctoral study.

“(c) FELLOWSHIP PORTABILITY.—Each Fellow shall be entitled to use the fellowship in a graduate program at any accredited institution of higher education in which the recipient may decide to enroll.

“(d) NUMBER OF FELLOWSHIPS.—As many fellowships as may be fully funded according to this chapter shall be awarded each year.

“(e) DESIGNATION OF FELLOWS.—Each individual awarded a fellowship under this chapter shall be known as a ‘Paul E. Tsongas Fellow’ (hereinafter in this chapter referred to as a ‘Fellow’).

**“SEC. 411D. ELIGIBILITY AND SELECTION OF FELLOWS.**

“(a) ELIGIBILITY.—Only United States citizens are eligible to receive awards under this chapter.

“(b) FELLOWSHIP BOARD.—

“(1) APPOINTMENT.—The Secretary, in consultation with the Director of the National Science Foundation, shall appoint a Paul E. Tsongas Fellowship Board (hereinafter in this part referred to as the ‘Board’) consisting of 5 representatives of the academic science and engineering communities who are especially qualified to serve on the Board. The Secretary shall assure that individuals appointed to the Board are broadly knowledgeable about and have experience in graduate education in relevant fields.

“(2) DUTIES.—The Board shall—

“(A) establish general policies for the program established by this part and oversee its operation;

“(B) establish general criteria for awarding fellowships;

“(C) award fellowships; and

“(D) prepare and submit to the Congress at least once in every 3-year period a report on any modifications in the program that the Board determines are appropriate.

“(4) TERM.—The term of office of each member of the Board shall be 3 years, except that any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed. No member may serve for a period in excess of 6 years.

“(5) INITIAL MEETING; VACANCY.—The Secretary shall call the first meeting of the Board, at which the first order of business shall be the election of a Chairperson and a Vice Chairperson, who shall serve until 1 year after the date of their appointment. Thereafter each officer shall be elected for a term of 2 years. In case a vacancy occurs in either office, the Board shall elect an individual from among the members of the Board to fill such vacancy.

“(6) QUORUM; ADDITIONAL MEETINGS.—(A) A majority of the members of the Board shall constitute a quorum.

“(B) The Board shall meet at least once a year or more frequently, as may be necessary, to carry out its responsibilities.

“(7) COMPENSATION.—Members of the Board, while serving on the business of the Board, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the rate of basic pay payable for level IV of the Executive Schedule, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

“(C) UNDERREPRESENTED GROUPS.—In designing selection criteria and awarding fellowships, the Board shall—

“(1) consider the need to prepare a larger number of women and individuals from minority groups, especially from among such groups that have been traditionally underrepresented in the professional and academic fields referred to in section 411B, but nothing contained in this or any other provision of this chapter shall be interpreted to require the Secretary to grant any preference or disparate treatment to the members of any underrepresented group; and

“(2) take into account the need to expand access by women and minority groups to careers heretofore lacking adequate representation of women and minority groups.

**“SEC. 411E. PAYMENTS, STIPENDS, TUITION, AND EDUCATION AWARDS.**

“(a) AMOUNT OF AWARD.—

“(1) STIPENDS.—The Secretary shall pay to each individual awarded a fellowship under this chapter a stipend in the amount of \$15,000, \$16,500, and \$18,000 during the first, second, and third years of study, respectively.

“(2) TUITION.—The Secretary shall pay to the appropriate institution an amount adequate to cover the tuition, fees, and health insurance of each individual awarded a fellowship under this chapter.

“(3) ADMINISTRATIVE AND TRAVEL ALLOWANCE.—The Secretary shall pay to each host institution an annual \$5,000 allowance for the purpose of covering—

“(A) administrative expenses;

“(B) travel expenses associated with Fellow participation in academic seminars or conferences approved by the host institution; and

“(C) round-trip travel expenses associated with Fellow participation in the internship required by section 411F of this chapter.

**“SEC. 411F. REQUIREMENT.**

Each Fellow shall participate in a 3-month internship related to the dissertation topic of the Fellow at a national laboratory or equivalent industrial laboratory as approved by the host institution.

**“SEC. 411G. FELLOWSHIP CONDITIONS.**

“(a) ACADEMIC PROGRESS REQUIRED.—No student shall receive support pursuant to an award under this chapter—

“(1) except during periods in which such student is maintaining satisfactory progress in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded; or

“(2) if the student is engaging in gainful employment other than part-time employment involved in teaching, research, or similar activities determined by the institution to be in support of the student's progress toward a degree.

“(b) REPORTS FROM RECIPIENTS.—The Secretary is authorized to require reports containing such information in such form and filed at such times as the Secretary determines necessary from any person awarded a fellowship under the provisions of this chapter. The reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, or other research center, stating that such individual is fulfilling the requirements of this section.

“(c) FAILURE TO EARN DEGREE.—A recipient of a fellowship under this chapter found by the Secretary to have failed in or abandoned the course of study for which assistance was provided under this chapter may be required, at the discretion of the Secretary, to repay a pro rata amount of such fellowship assistance received, plus interest and, where applicable, reasonable collection fees, on a schedule and at a rate of interest to be prescribed by the Secretary by regulations issued pursuant to this chapter.

**“SEC. 411H. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated for this chapter \$5,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.

**“SEC. 411I. APPLICATION OF GENERAL EDUCATIONAL PROVISIONS ACT.**

Section 421 of the General Educational Provisions Act, pertaining to the availability of funds, shall apply to this chapter.

**“SEC. 411J. DEFINITIONS.**

For purposes of this chapter—

“(1) The term “Secretary” means the Secretary of Education.

“(2) The term “host institution” means an institution where a Paul E. Tsongas Fellow is enrolled for the purpose of pursuing doctoral studies for which support is provided under this chapter.”.

H.R. 6

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT No. 38: Page 260, after line 17, insert the following new section (and conform the table of contents accordingly):

**SEC. 475. SENSE OF THE HOUSE OF REPRESENTATIVES.**

It is the sense of the House of Representatives that, in an effort to change the culture of alcohol consumption on college campuses, all college and university administrators should adopt the following code of principles:

(1) For an institution of higher education, the president of the institution shall appoint a task force consisting of school administrators, faculty, students, Greek system representatives, and others to conduct a full examination of student and academic life at the institution. The task force will make recommendations for a broad range of policy and program changes that would serve to re-

duce alcohol and other drug-related problems. The institution shall provide resources to assist the task force in promoting the campus policies and proposed environmental changes that have been identified.

(2) The institution shall provide maximum opportunities for students to live in an alcohol-free environment and to engage in stimulating, alcohol-free recreational and leisure activities.

(3) The institution shall enforce a “zero tolerance” policy on the illegal consumption and binge drinking of alcohol by its students and will take steps to reduce the opportunities for students, faculty, staff, and alumni to legally consume alcohol on campus.

(4) The institution shall vigorously enforce its code of disciplinary sanctions for those who violate campus alcohol policies. Students with alcohol or other drug-related problems shall be referred to an on-campus counseling program.

(5) The institution shall adopt a policy to discourage alcoholic beverage-related sponsorship of on-campus activities. It shall adopt policies limiting the advertisement and promotion of alcoholic beverages on campus.

(6) Recognizing that school-centered policies on alcohol will be unsuccessful if local businesses sell alcohol to underage or intoxicated students, the institution shall form a “Town/Gown” alliance with community leaders. That alliance shall encourage local commercial establishments that promote or sell alcoholic beverages to curtail illegal student access to alcohol and adopt responsible alcohol marketing and service practices.

H.R. 6

OFFERED BY: MR. KLING

AMENDMENT No. 39: Page 164, after line 25, insert the following new subsection:

(t) NOTICE TO INSTITUTIONS OF DEFAULTS.—

(1) ADMINISTRATIVE AND FISCAL PROCEDURES.—Section 428(c)(2)(A) is amended by striking “proof that reasonable attempts were made” and inserting “proof that the institution and the State licensing board were contacted and other reasonable attempts were made”.

(2) REIMBURSEMENT.—Section 428(c)(2)(G) (20 U.S.C. 1078(c)(2)(G)) is amended by striking “certifies to the Secretary that diligent attempts have been made” and inserting “demonstrates to the Secretary that diligent attempts, including direct contact with the institution and the State licensing board, have been made”.

(3) NOTICE TO SECRETARY AND PAYMENT OF LOSS.—The third sentence of section 430(a) (20 U.S.C. 1080(a)) is amended by inserting “the institution and the State licensing board were contacted and other” after “submit proof that”.

H.R. 6

OFFERED BY: MR. KLING

AMENDMENT No. 40: Page 177, after line 1, insert the following new subparagraph (and redesignate the succeeding subparagraphs accordingly):

(A) by striking “for the fiscal year for which the determination is made and for the two succeeding fiscal years” and inserting “for the period determined under subparagraph (D)”;

Page 177, after line 14, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

(3) by adding at the end of paragraph (2) the following new subparagraph:

“(D) An institution that is ineligible to participate pursuant to a determination under subparagraph (A) shall be ineligible for a period beginning with the fiscal year for which the determination is made and ending on the earlier of—

"(i) the expiration of the two succeeding fiscal years; or

"(ii) the date on which the final cohort default rates published with respect to such institution are less than the threshold percentage specified in subparagraph (B) for any two of the three most recent fiscal years for which data are available.";

H.R. 6

OFFERED BY: MR. KLUG

AMENDMENT No. 41: Page 161, after line 9, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(j) DELAY IN COMMENCEMENT OF REPAYMENT PERIOD.—Section 428(b)(7) is amended by inserting after subparagraph (C) the following new subparagraph:

"(D) There shall be excluded from the 6 months determined under subparagraph (A)(i) any period during which the student was called or ordered to active duty in a reserve component of the Armed Forces of the United States."

H.R. 6

OFFERED BY: MR. LIVINGSTON

AMENDMENT No. 42: Page 34, after line 5, insert the following new section (and conform the table of contents accordingly):

**SEC. 104. PROTECTION OF STUDENT SPEECH AND ASSOCIATION RIGHTS.**

Title I is further amended by adding after section 112 (as added by section 103) the following new section:

**"SEC. 113. PROTECTION OF STUDENT SPEECH AND ASSOCIATION RIGHTS.**

"(a) PROTECTION OF RIGHTS.—No student attending an institution of higher education on a full- or part-time basis shall, on the basis of protected speech and association, be excluded from participation in, be denied the benefits of, or be subjected to discrimination or official sanction under any education program, activity, or division directly or indirectly receiving financial assistance under this Act, whether or not such program, activity, or division is sponsored or officially sanctioned by the institution.

"(b) SANCTION.—

"(1) IN GENERAL.—No funds shall be made available under this Act to any institution of higher education that the Secretary finds, after notice and opportunity for a hearing, has violated subsection (a) of this section.

"(2) INAPPLICABILITY TO STUDENT ASSISTANCE.—Paragraph (1) shall not apply to any funds that are provided under this Act for student financial assistance.

"(c) EXCEPTION.—This section shall not apply to an institution of higher education that is controlled by a religious or military organization, if the speech or association is not consistent with the religious tenets or military training of the institution.

"(d) SANCTIONS FOR DISRUPTION PERMITTED.—Nothing in this section shall be construed to prevent the imposition of an official sanction on a student that has willfully participated in the disruption or attempted disruption of a lecture, class, speech, presentation, or performance made or scheduled to be made under the auspices of the institution of higher education.

"(e) DEFINITIONS.—

"(1) PROTECTED SPEECH.—The term 'protected speech' means speech that is protected under the 1st and 14th amendments to the United States Constitution, or would be so protected if the institution of higher education were subjected to those amendments.

"(2) PROTECTED ASSOCIATION.—The term 'protected association' means the right to join, assemble, and reside with others that is protected under the 1st and 14th amendments to the United States Constitution, or would be protected if the institution of high-

er education were subject to those amendments.

"(3) OFFICIAL SANCTION.—The term 'official sanction'—

"(A) means expulsion, suspension, probation, censure, condemnation, reprimand, or any other disciplinary, coercive, or adverse action taken by an institution of higher education or administrative unit of the institution; and

"(B) includes an oral or written warning made by an official of an institution of higher education acting in the official capacity of the official."

H.R. 6

OFFERED BY: MR. LIVINGSTON

AMENDMENT No. 43: Page 34, after line 5, insert the following new section (and conform the table of contents accordingly):

**SEC. 104. PROTECTION OF STUDENT SPEECH AND ASSOCIATION RIGHTS.**

Title I is further amended by adding after section 112 (as added by section 103) the following new section:

**"SEC. 113. PROTECTION OF STUDENT SPEECH AND ASSOCIATION RIGHTS.**

"(a) PROTECTION OF RIGHTS.—It is the sense of the House of Representatives that no student attending an institution of higher education on a full- or part-time basis should, on the basis of protected speech and association, be excluded from participation in, be denied the benefits of, or be subjected to discrimination or official sanction under any education program, activity, or division directly or indirectly receiving financial assistance under this Act, whether or not such program, activity, or division is sponsored or officially sanctioned by the institution.

"(b) SANCTIONS FOR DISRUPTION PERMITTED.—Nothing in this section shall be construed to discourage the imposition of an official sanction on a student that has willfully participated in the disruption or attempted disruption of a lecture, class, speech, presentation, or performance made or scheduled to be made under the auspices of the institution of higher education.

"(c) DEFINITIONS.—For the purposes of this section:

"(1) PROTECTED SPEECH.—The term 'protected speech' means speech that is protected under the 1st and 14th amendments to the United States Constitution, or would be so protected if the institution of higher education were subjected to those amendments.

"(2) PROTECTED ASSOCIATION.—The term 'protected association' means the right to join, assemble, and reside with others that is protected under the 1st and 14th amendments to the United States Constitution, or would be protected if the institution of higher education were subject to those amendments.

"(3) OFFICIAL SANCTION.—The term 'official sanction'—

"(A) means expulsion, suspension, probation, censure, condemnation, reprimand, or any other disciplinary, coercive, or adverse action taken by an institution of higher education or administrative unit of the institution; and

"(B) includes an oral or written warning made by an official of an institution of higher education acting in the official capacity of the official."

H.R. 6

OFFERED BY: MR. MCGOVERN

AMENDMENT No. 44: Page 96, after line 7, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(f) PELL GRANT INCENTIVES.—Subpart 1 of part A of title IV of the Higher Education

Act of 1965 is amended by inserting after section 401 (20 U.S.C. 1070a) the following new section:

**"SEC. 401A. PELL GRANT INCENTIVES.**

"(a) PROGRAM AUTHORITY.—From the amounts appropriated pursuant to subsection (d), the Secretary shall establish a program to increase the Pell grant awards under section 401 during their first two academic years of undergraduate education to students who graduate after May 1, 1998, in the top 10 percent of their high school graduating class.

"(b) AMOUNT OF INCREASE.—The additional amount of Pell grant that shall be awarded under this section to any student who qualifies under this section shall be an amount equal to the amount for which the student is eligible under section 401 (determined without regard to the provisions of this section), except that if the amount appropriated pursuant to subsection (d) is less than the amount required to award such additional amounts to all such students, the additional amount awarded to each such student under this section shall be ratably reduced.

"(c) DETERMINATIONS OF ELIGIBILITY.—

"(1) PROCEDURES ESTABLISHED BY REGULATION.—The Secretary shall establish by regulation procedures for the determination of eligibility of students for increased Pell grant awards under this section. Such procedures shall include measures to prevent any secondary school from certifying more than 10 percent of its students for eligibility under this section.

"(2) COORDINATION WITH NEED ANALYSIS.—In prescribing procedures under paragraph (1), the Secretary shall ensure that the determination of eligibility and the amount of the increase in the Pell grant award is determined in a timely manner consistent with the requirements of section 482 and the submission of the financial aid form required by section 483. For such purposes, the Secretary may provide that, for the first of a student's two academic years of eligibility under this section, class rank may be determined prior to graduation, at such time and in such manner as the Secretary may specify in the regulations prescribed under this subsection.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to award increased Pell grants under this section \$240,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years."

H.R. 6

OFFERED BY: MRS. MEEK OF FLORIDA

AMENDMENT No. 45: Page 128, line 12, strike the close quotation marks and following period and after such line insert the following:

**"CHAPTER 6—DEMONSTRATION PROJECTS ENSURING EQUAL OPPORTUNITY FOR INDIVIDUALS WITH LEARNING DISABILITIES**

**"SEC. 412A. PROGRAM AUTHORITY.**

"(a) IN GENERAL.—The Secretary may award grants to, and enter into contracts and cooperative agreements with, not more than 5 institutions of higher education that are described in section 412B for demonstration projects to develop, test, and disseminate, in accordance with section 412C, methods, techniques, and procedures for ensuring equal educational opportunity for individuals with learning disabilities in postsecondary education.

"(b) AWARD BASIS.—Grants, contracts, and cooperative agreements shall be awarded on a competitive basis.

"(c) AWARD PERIOD.—Grants, contracts, and cooperative agreements shall be awarded for a period of 3 years.

**"SEC. 412B. ELIGIBLE ENTITIES.**

"Entities eligible to apply for a grant, contract, or cooperative agreement under this

chapter are institutions of higher education with demonstrated prior experience in meeting the postsecondary educational needs of individuals with learning disabilities.

**"SEC. 412C. REQUIRED ACTIVITIES.**

"A recipient of a grant, contract, or cooperative agreement under this chapter shall use the funds received under this chapter to carry out each of the following activities:

"(1) Developing or identifying innovative, effective, and efficient approaches, strategies, supports, modifications, adaptations, and accommodations that enable individuals with learning disabilities to fully participate in postsecondary education.

"(2) Synthesizing research and other information related to the provision of services to individuals with learning disabilities in postsecondary education.

"(3) Conducting training sessions for personnel from other institutions of higher education to enable them to meet the special needs of postsecondary students with learning disabilities.

"(4) Preparing and disseminating products based upon the activities described in paragraphs (1) through (3).

"(5) Coordinating findings and products from the activities described in paragraphs (1) through (4) with other similar products and findings through participation in conferences, groups, and professional networks involved in the dissemination of technical assistance and information on postsecondary education.

**"SEC. 412D. PRIORITY.**

"The Secretary shall ensure that, to the extent feasible, there is a national geographic distribution of grants, contracts, and cooperative agreements awarded under this chapter throughout the States, except that the Secretary may give priority, with respect to one of the grants to be awarded, to a historically Black college or university that satisfies the requirements of section 412B.

**"SEC. 412E. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated to carry out this chapter \$10,000,000 for each of the fiscal years 1999 through 2001."

H.R. 6

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 46: Page 68, line 12, redesignate section 206 as section 207, and before such line insert the following new section (and conform the table of contents accordingly):

**SEC. 206. ACCOUNTABILITY FOR INSTITUTIONS OF HIGHER EDUCATION THAT PREPARE TEACHERS.**

Title II is further amended by adding at the end the following new part:

**"PART F—ACCOUNTABILITY FOR INSTITUTIONS OF HIGHER EDUCATION THAT PREPARE TEACHERS**

**"SEC. 281. DATA COLLECTION.**

"(a) DATA REQUIRED.—Within one year after the date of enactment of the Higher Education Amendments of 1998, and annually thereafter, the Secretary shall collect from each State and publish the following information:

"(1) A description of the teacher licensing and credentialing assessments used by each State, including any and all assessments required in the subject matter area or areas in which a teacher provides instruction.

"(2) The standards and criteria established by each State that teachers or prospective teachers must meet in order to receive a passing score on such assessments, including information on the extent to which passing such examinations is required in order for an individual to be a classroom teacher.

"(3) Information on the extent to which teachers or prospective teachers in each

State are required to take examinations or other assessments of their subject matter knowledge in the area or areas in which they provide instruction, the standards established for passing any such assessments, and the extent to which teachers or prospective teachers are required to receive a passing score on such assessments in order to teach in specific subject areas or grade levels.

"(4) Information on the extent to which each State waives teacher credentialing and licensing requirements, including the proportion of all teachers or prospective teachers in the State for whom such licensing and credentialing requirements have been waived and the distribution of such individuals across high- and low-poverty schools and across grade levels and subject areas.

"(5) The pass rate, for the preceding year, on all teacher licensing and credentialing assessments for all individuals in the State who took such assessments, disaggregated by the institution of higher education from which the teacher received his or her most recent degree, gender, race, and ethnicity.

"(b) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher licensing or credentialing assessments in a State other than the State in which the individual received his or her most recent degree.

"(c) USE OF LOCAL AGENCIES.—For each State in which there are no State licensing or credentialing assessments, the Secretary shall, to the extent practicable, collect data comparable to the data described in paragraphs (1) through (5) of subsection (a) from local educational agencies, colleges and universities, or other entities that administer such assessments to teachers or prospective teachers.

**"SEC. 282. DATA DISSEMINATION.**

"(a) EFFECTIVE DATE OF REQUIREMENTS.—The data required to be distributed under this section shall be distributed beginning within 3 years after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter.

"(b) PASSING RATES.—Each institution of higher education that has a course of study that prepares elementary and secondary school teachers and receives Federal funds will report and distribute widely, including through prominent publications such as catalogs and promotional materials sent to potential applicants, high school guidance counselors, and the employers of graduates of such institutions, their pass rate for graduates of the institution on each of the State's initial teacher certification and licensing assessments for the most recent year for which data are available at the time of publication of such materials.

"(c) IDENTIFICATION OF INSTITUTIONS WITH PASSING RATES BELOW 70 PERCENT.—Each State shall submit to the Secretary a list of institutions of higher education that prepare teachers and receive Federal funds under this Act for which, for the preceding year, less than 70 percent of graduates who took any of the State's initial teacher licensing and credentialing assessments failed to receive a passing score on any such assessment. For each assessment, data shall be disaggregated by the institution of higher education from which the test taker received his or her most recent degree, unless such degree was granted more than 3 years prior to the date such assessment was administered. Data shall also be disaggregated by subject, grade level, gender, race, and ethnicity where appropriate. The State shall distribute this list widely, including to high school guidance counselors.

"(d) REPORT ON IMPROVEMENT EFFORTS.—Each institution for which the pass rate, for

the preceding year, of graduates on any teacher licensing and credentialing assessment falls below 70 percent shall report to the State on efforts underway to improve the performance of its graduates on such assessments. Each State shall gather and publicize all such reports and submit them to the Secretary. Such report shall include—

"(1) efforts underway by the institution to provide additional resources to the institution's teacher preparation program;

"(2) efforts underway by the institution or the teacher preparation program to implement more challenging admissions standards or more rigorous academic and curricular standards for teacher training programs;

"(3) efforts to improve the subject area knowledge of teachers, particularly in those subject areas in which less than 70 percent of graduates achieve passing scores on State assessments; and

"(4) participation in collaborative efforts with the State or Federal Government (including grants through this title) or with nongovernmental organizations to upgrade the quality of the institution's teacher preparation program.

"(e) FINES.—In addition to the actions authorized in section 487(c), the Secretary shall impose a fine of not less than \$25,000 on an institution of higher education for failure to provide the information described in section 281 and this section in a timely and accurate manner, or for failing to cooperate with the State and the Secretary to obtain the information required by this section. The Secretary shall use any and all such funds collected through such fines for the purpose of supplementing grants made under this title.

**"SEC. 283. TERMINATION OF ELIGIBILITY.**

"(a) EFFECTIVE DATE.—The provisions of this section shall be effective on and after 5 years after the date of enactment of the Higher Education Amendments of 1998.

"(b) LOSS OF TITLE IV ELIGIBILITY.—

"(1) IN GENERAL.—A student who is enrolled in an institution of higher education as a major in a school or department of education, or who is otherwise enrolled in a program of professional training pursuant to becoming an elementary or secondary school teacher, shall be ineligible for aid under title IV of this Act to cover the cost of instruction associated with enrollment in such school, department, or program unless at least 70 percent of the graduates of such school, department, or program who took State teacher licensing and certification assessments, received a passing score on all such assessments for the preceding 2 consecutive years.

"(2) CLARIFICATION.—Notwithstanding paragraph (1)—

"(A) a student who is enrolled in an institution of higher education as a major in a school or department of education, or who is otherwise enrolled in a program of professional training pursuant to becoming an elementary or secondary school teacher, shall be eligible for aid under title IV of this Act for classes offered outside such school, department, or program; and

"(B) the Secretary may not impose as a remedy for failure to comply with the requirements of this section any sanction affecting the eligibility of any student for assistance under Title IV of this Act unless such student is a major in a school or department of education or is otherwise enrolled in a program of professional training pursuant to becoming an elementary or secondary school teacher.

"(c) SCORING CHANGES.—

"(1) LOWERING SCORES.—Any State which lowers its qualifying score, with the effect of decreasing the difficulty of achieving a passing score on any such assessment, shall report the change to the Secretary. For the

purposes of this section, the pass rate for such State shall be computed based on the qualifying scores in place on the date of enactment of the Higher Education Amendments of 1998.

“(2) RAISING SCORES.—For the purposes of this section, any State which raises its cut score in order to increase the difficulty of passing any such assessment shall have the option of calculating pass rates on such assessments based on the original, lower qualifying score for a period of not more than 5 years.

**“SEC. 284. NATIONAL TEACHER CERTIFICATION PROHIBITED.**

“Nothing in this part shall be construed to permit, allow, encourage, or authorize any national system of teacher certification.”.

H.R. 6

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT No. 47: Page 68, line 12, redesignate section 206 as section 207, and before such line insert the following new section (and conform the table of contents accordingly):

**SEC. 206. ACCOUNTABILITY FOR INSTITUTIONS OF HIGHER EDUCATION THAT PREPARE TEACHERS.**

Title II is further amended by adding at the end the following new part:

**“PART F—ACCOUNTABILITY FOR INSTITUTIONS OF HIGHER EDUCATION THAT PREPARE TEACHERS**

**“SEC. 281. DATA COLLECTION.**

“(a) DATA REQUIRED.—Within one year after the date of enactment of the Higher Education Amendments of 1998, and annually thereafter, the Secretary shall collect from each State and publish the following information:

“(1) A description of the teacher licensing and credentialing assessments used by each State, including any and all assessments required in the subject matter area or areas in which a teacher provides instruction.

“(2) The standards and criteria established by each State that teachers or prospective teachers must meet in order to receive a passing score on such assessments, including information on the extent to which passing such examinations is required in order for an individual to be a classroom teacher.

“(3) Information on the extent to which teachers or prospective teachers in each State are required to take examinations or other assessments of their subject matter knowledge in the area or areas in which they provide instruction, the standards established for passing any such assessments, and the extent to which teachers or prospective teachers are required to receive a passing score on such assessments in order to teach in specific subject areas or grade levels.

“(4) Information on the extent to which each State waives teacher credentialing and licensing requirements, including the proportion of all teachers or prospective teachers in the State for whom such licensing and credentialing requirements have been waived and the distribution of such individuals across high- and low-poverty schools and across grade levels and subject areas.

“(5) The pass rate, for the preceding year, on all teacher licensing and credentialing assessments for all individuals in the State who took such assessments, disaggregated by the institution of higher education from which the teacher received his or her most recent degree, gender, race, and ethnicity.

“(b) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher licensing or credentialing assessments in a State other than the State in which the individual received his or her most recent degree.

“(c) USE OF LOCAL AGENCIES.—For each State in which there are no State licensing or credentialing assessments, the Secretary shall, to the extent practicable, collect data comparable to the data described in paragraphs (1) through (5) of subsection (a) from local educational agencies, colleges and universities, or other entities that administer such assessments to teachers or prospective teachers.

**“SEC. 282. DATA DISSEMINATION.**

“(a) EFFECTIVE DATE OF REQUIREMENTS.—The data required to be distributed under this section shall be distributed beginning within 3 years after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter.

“(b) PASSING RATES.—Each institution of higher education that has a course of study that prepares elementary and secondary school teachers and receives Federal funds will report and distribute widely, including through prominent publications such as catalogs and promotional materials sent to potential applicants, high school guidance counselors, and the employers of graduates of such institutions, their pass rate for graduates of the institution on each of the State's initial teacher certification and licensing assessments for the most recent year for which data are available at the time of publication of such materials.

“(c) IDENTIFICATION OF INSTITUTIONS WITH PASSING RATES BELOW 70 PERCENT.—Each State shall submit to the Secretary a list of institutions of higher education that prepare teachers and receive Federal funds under this Act for which, for the preceding year, less than 70 percent of graduates who took any of the State's initial teacher licensing and credentialing assessments failed to receive a passing score on any such assessment. For each assessment, data shall be disaggregated by the institution of higher education from which the test taker received his or her most recent degree, unless such degree was granted more than 3 years prior to the date such assessment was administered. Data shall also be disaggregated by subject, grade level, gender, race, and ethnicity where appropriate. The State shall distribute this list widely, including to high school guidance counselors.

“(d) REPORT ON IMPROVEMENT EFFORTS.—Each institution for which the pass rate, for the preceding year, of graduates on any teacher licensing and credentialing assessment falls below 70 percent shall report to the State on efforts underway to improve the performance of its graduates on such assessments. Each State shall gather and publicize all such reports and submit them to the Secretary. Such report shall include—

“(1) efforts underway by the institution to provide additional resources to the institution's teacher preparation program;

“(2) efforts underway by the institution or the teacher preparation program to implement more challenging admissions standards or more rigorous academic and curricular standards for teacher training programs;

“(3) efforts to improve the subject area knowledge of teachers, particularly in those subject areas in which less than 70 percent of graduates achieve passing scores on State assessments; and

“(4) participation in collaborative efforts with the State or Federal Government (including grants through this title) or with nongovernmental organizations to upgrade the quality of the institution's teacher preparation program.

“(e) FINES.—In addition to the actions authorized in section 487(c), the Secretary shall impose a fine of not less than \$25,000 on an institution of higher education for failure to provide the information described in section

281 and this section in a timely and accurate manner, or for failing to cooperate with the State and the Secretary to obtain the information required by this section. The Secretary shall use any and all such funds collected through such fines for the purpose of supplementing grants made under this title.”.

H.R. 6

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT No. 48: Page 68, line 12, redesignate section 206 as section 207, and before such line insert the following new section (and conform the table of contents accordingly):

**SEC. 206. ACCOUNTABILITY FOR INSTITUTIONS OF HIGHER EDUCATION THAT PREPARE TEACHERS.**

Title II is further amended by adding at the end the following new part:

**“PART F—ACCOUNTABILITY FOR INSTITUTIONS OF HIGHER EDUCATION THAT PREPARE TEACHERS**

**“SEC. 281. TERMINATION OF ELIGIBILITY.**

“(a) EFFECTIVE DATE.—The provisions of this section shall be effective on and after 5 years after the date of enactment of the Higher Education Amendments of 1998.

“(b) LOSS OF TITLE IV ELIGIBILITY.—

“(1) IN GENERAL.—A student who is enrolled in an institution of higher education as a major in a school or department of education, or who is otherwise enrolled in a program of professional training pursuant to becoming an elementary or secondary school teacher, shall be ineligible for aid under title IV of this Act to cover the cost of instruction associated with enrollment in such school, department, or program unless at least 70 percent of the graduates of such school, department, or program who took State teacher licensing and certification assessments, received a passing score on all such assessments for the preceding 2 consecutive years.

“(2) CLARIFICATION.—Notwithstanding paragraph (1)—

“(A) a student who is enrolled in an institution of higher education as a major in a school or department of education, or who is otherwise enrolled in a program of professional training pursuant to becoming an elementary or secondary school teacher, shall be eligible for aid under title IV of this Act for classes offered outside such school, department, or program; and

“(B) the Secretary may not impose as a remedy for failure to comply with the requirements of this section any sanction affecting the eligibility of any student for assistance under Title IV of this Act unless such student is a major in a school or department of education or is otherwise enrolled in a program of professional training pursuant to becoming an elementary or secondary school teacher.

“(c) SCORING CHANGES.—

“(1) LOWERING SCORES.—Any State which lowers its qualifying score, with the effect of decreasing the difficulty of achieving a passing score on any such assessment, shall report the change to the Secretary. For the purposes of this section, the pass rate for such State shall be computed based on the qualifying scores in place on the date of enactment of the Higher Education Amendments of 1998.

“(2) RAISING SCORES.—For the purposes of this section, any State which raises its cut score in order to increase the difficulty of passing any such assessment shall have the option of calculating pass rates on such assessments based on the original, lower qualifying score for a period of not more than 5 years.”.

H.R. 6

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT No. 49: Page 68, line 12, redesignate section 206 as section 207, and before such line insert the following new section (and conform the table of contents accordingly):

**SEC. 206. ACCOUNTABILITY FOR INSTITUTIONS OF HIGHER EDUCATION THAT PREPARE TEACHERS.**

Title II is further amended by adding at the end the following new part:

**"PART F—ACCOUNTABILITY FOR INSTITUTIONS OF HIGHER EDUCATION THAT PREPARE TEACHERS**

**"SEC. 281. DATA COLLECTION.**

"(a) DATA REQUIRED.—Within one year after the date of enactment of the Higher Education Amendments of 1998, and annually thereafter, the Secretary shall collect from each State receiving funds under this Act and publish the following information:

"(1) A description of the teacher licensing and credentialing assessments used by each State, including any and all assessments required in the subject matter area or areas in which a teacher provides instruction.

"(2) The standards and criteria established by each State that teachers or prospective teachers must meet in order to receive a passing score on such assessments, including information on the extent to which passing such examinations is required in order for an individual to be a classroom teacher.

"(3) Information on the extent to which teachers or prospective teachers in each State are required to take examinations or other assessments of their subject matter knowledge in the area or areas in which they provide instruction, the standards established for passing any such assessments, and the extent to which teachers or prospective teachers are required to receive a passing score on such assessments in order to teach in specific subject areas or grade levels.

"(4) Information on the extent to which each State waives teacher credentialing and licensing requirements, including the proportion of all teachers or prospective teachers in the State for whom such licensing and credentialing requirements have been waived and the distribution of such individuals across high- and low-poverty schools and across grade levels and subject areas.

"(5) The pass rate, for the preceding year, on all teacher licensing and credentialing assessments for all individuals in the State who took such assessments, disaggregated by the institution of higher education from which the teacher received his or her most recent degree.

"(b) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher licensing or credentialing assessments in a State other than the State in which the individual received his or her most recent degree.

"(c) USE OF LOCAL AGENCIES.—For each State in which there are no State licensing or credentialing assessments, the Secretary shall, to the extent practicable, collect data comparable to the data described in paragraphs (1) through (5) of subsection (a) from local educational agencies, colleges and universities, or other entities that administer such assessments to teachers or prospective teachers.

**"SEC. 282. DATA DISSEMINATION.**

"(a) EFFECTIVE DATE OF REQUIREMENTS.—The data required to be distributed under this section shall be distributed beginning within 3 years after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter.

"(b) PASSING RATES.—Each institution of higher education that has a course of study that prepares elementary and secondary school teachers and receives Federal funds will report and distribute widely, including through prominent publications such as catalogs and promotional materials sent to potential applicants, high school guidance counselors, and the employers of graduates of such institutions, their pass rate for graduates of the institution on each of the State's initial teacher certification and licensing assessments for the most recent year for which data are available at the time of publication of such materials.

"(c) IDENTIFICATION OF INSTITUTIONS WITH PASSING RATES BELOW 70 PERCENT.—Each State shall submit to the Secretary a list of institutions of higher education that prepare teachers and receive Federal funds under this Act for which, for the preceding year, less than 70 percent of graduates who took any of the State's initial teacher licensing and credentialing assessments failed to receive a passing score on any such assessment. For each assessment, data shall be disaggregated by the institution of higher education from which the student received his or her most recent degree, unless such degree was granted more than 3 years prior to the date such assessment was administered.

**"SEC. 283. STATE FUNCTIONS.**

"(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall, no later than one year after the date of enactment of the Higher Education Amendments of 1998, have in place a procedure to identify low performing programs of teacher preparation within institutions of higher education. Such levels of performance shall be determined solely by the State and may include criteria based upon information collected pursuant to this part. Such assessment shall be described in the report under section 281.

"(b) TERMINATION OF ELIGIBILITY.—Any institution of higher education that offers a program of teacher preparation in which the State has withdrawn its approval or terminated its financial support due to the low performance of its teacher preparation program based upon the State assessment described in section (a)—

"(1) shall be ineligible for any funding for professional development activities awarded by the Department of Education; and

"(2) shall not be permitted to accept or enroll any student that receives aid under title IV of this Act in its teacher preparation program.

**"SEC. 284. NEGOTIATED RULEMAKING.**

"If the Secretary develops any regulations implementing section 283(b)(2), the Secretary shall submit such proposed regulations to a negotiated rulemaking process which shall include representatives of States and institutions of higher education for their review and comment.

H.R. 6

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT No. 50: Page 334, after line 19, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

**SEC. 806. LABOR CODES OF CONDUCT.**

(a) FINDINGS.—The Congress finds the following:

(1) American workers have the right to a fair and safe workplace and to reasonable compensation under the law, such as under the Fair Labor Standards Act, the National Labor Relations Act, and the Occupational Safety and Health Act.

(2) Despite United States workplace laws, sweatshops and other forms of labor exploitation persist domestically. The Clinton Ad-

ministration's Department of Labor has recovered \$23,100,000 in illegally held back wages for over 45,000 garment workers, including \$2,900,000 in back wages in 1997 alone. In 1997, 63 percent of the New York City garment shops investigated by the Department of Labor were found in violation of the minimum wage and overtime provisions of the Fair Labor Standards Act. And, a recent study commissioned by the Associated Press found that 13,000 children work in sweatshops in the United States.

(3) The use of sweatshop and child labor abroad for goods imported to the United States remains a problem, particularly in the apparel and sporting goods sectors, including the use of subminimum wages, bonded and indentured labor, and unhealthy working conditions. The International Labor Organization estimated there are 250,000,000 underage children working worldwide, in all sectors of the economy, such as agriculture, services and manufacturing for domestically consumed and exported items.

(4) Federal law, including the Trade Act of 1930, bans the importation of products made with indentured servitude, forced or slave labor into the United States.

(5) Codes of Conduct are voluntary steps taken by the private sector.

(6) Rigorous codes of conduct are an important component of a larger set of tools to reduce sweatshop and child labor.

(7) The Apparel Industry Partnership, comprised of major retail companies, human rights groups and labor unions, is seeking agreement on a code of conduct to reduce the use of sweatshops and child labor.

(8) American consumers have repeatedly expressed an interest in buying goods not made with exploited labor.

(9) American consumers frequently have no ability to know whether a product has been made with exploited labor.

(10) Informed consumer choices can be a powerful tool in the reduction of sweatshops and exploited labor.

(11) The market for college and university licensed merchandise such as caps, t-shirts, sweat pants, and other items is valued at over \$2,000,000,000 a year, with 80 percent of the market coming from apparel products.

(12) Several universities, including most recently Duke University and Brown University, have adopted codes of conduct specifically requiring companies that manufacture products bearing those universities' names to adhere to minimum labor standards both domestically and abroad.

(13) Few universities and colleges, and none of those with the largest volume of merchandise sales, have labor codes of conduct regarding sweatshop and child labor covering companies that market their merchandise.

(15) The Association of Collegiate Licensing Administrators is expected to discuss labor codes of conduct at its annual meeting beginning on May 13.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that all American colleges and universities should adopt rigorous labor codes of conduct to assure that university and college licensed merchandise is not made by sweatshop and exploited adult or child labor either domestically or abroad and that such codes should include but not be limited to: public reporting of the code and the companies adhering to it; independent monitoring of the companies adhering to the code by entities not limited to major international accounting firms; an explicit prohibition on the use of child labor; an explicit requirement that companies pay workers at least the governing minimum wage and applicable overtime; explicit requirement that companies allow workers the right to organize without retribution; and, an explicit requirement that companies maintain a safe and healthy workplace.

H.R. 6

OFFERED BY: MR. OWENS

AMENDMENT NO. 51: Page 68, after line 11, insert the following new section (and redesignate the succeeding section accordingly):

**SEC. 206. POSTSECONDARY INFORMATION TECHNOLOGY EDUCATION RECRUITMENT**

(a) FINDINGS.—The Congress finds the following:

(1) There are more than 200,000 to 400,000 vacancies in various categories of information technology jobs.

(2) From 1996 to 2005, more than 1,300,000 new computer scientists, engineers, and systems analysts will be required in the United States to fill vacant jobs, which equals 136,800 new workers per year.

(3) Systems analysts will experience the largest job growth, accounting for a 103 percent increase in the number of new positions from 1996 (506,000) to 2005 (1,025,000).

(4) The shortage of information technology workers transcends industries, affecting the manufacturing, service, transportation, health care, education, and government sectors. Within each sector, vacancies exist at all levels from aides and mechanics to programmers and designers.

(5) The information technology worker shortage is having an adverse effect on the viability of businesses in the United States and on the Nation's competitiveness. Industry surveys report that half of industry executives cite the lack of workers skilled in technology as the number one obstacle to their company's growth. An additional 20 percent of industry executives identify the lack of information technology workers as a major obstacle to their company's growth.

(6) A major factor affecting the short supply of information technology workers is the mismatch between what universities teach and what industry needs.

(7) It is in the national interest to promote special initiatives which effectively educate and train our domestic workforce to keep pace with these expanding job opportunities.

(8) Institutions of higher education have the capacity and resources to provide a role of oversight and technical assistance to a wide range of local entities, including community-based organizations, participating in a comprehensive education and training program for potential technology workers.

(9) Higher education institutions must be responsive to the digital environment and expand both their outreach efforts and on-campus activities to train and certify individuals to close the information technology worker gap.

(b) AMENDMENT.—Title II is amended by adding at the end the following:

**"PART G—INFORMATION TECHNOLOGY EDUCATION RECRUITMENT**

**"SEC. 281. PARTNERSHIPS FOR POSTSECONDARY INFORMATION TECHNOLOGY EDUCATION RECRUITMENT**

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary may make grants under this section, in accordance with competitive criteria established by the Secretary, to institutions of higher education, in order to establish, oversee the operation of, and provide technical assistance to, projects described in paragraph (2).

"(2) PROJECTS.—Projects under this section shall be projects implemented by a community-based organization described in subsection (b), or by the institution of higher education receiving the grant, to provide postsecondary information technology education and employment procurement assistance to eligible individuals described in subsection (c).

"(3) RESTRICTIONS.—An institution of higher education shall be eligible to receive only one grant under this section, but may, sub-

ject to the requirements of this section, use the grant to enter into contracts with more than one community-based organization. A community-based organization shall not be eligible to enter into a contract under this section with more than one institution of higher education.

"(4) PERIOD OF GRANT.—The provision of payments under a grant under this section shall not exceed 5 fiscal years and shall be subject to the annual approval of the Secretary and subject to the availability of appropriations for each fiscal year involved.

"(b) COMMUNITY-BASED ORGANIZATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), a community-based organization described in this subsection is an entity that, at the time the entity enters into a contract with an institution of higher education for a project under this section, and throughout the duration of that contract—

"(A) is—

"(i) a governmental agency; or

"(ii) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

"(B) is one of the following:

"(i) A local partnership (as defined in section 4 of the School-to-Work Opportunities Act of 1994) receiving a grant under section 302 of such Act.

"(ii) An entity organized and operated for religious purposes.

"(iii) An entity furnishing school-age child care services after school.

"(iv) A community-based college computer recruitment center.

"(v) An entity furnishing adult education.

"(vi) A library.

"(vii) A museum.

"(viii) Any other entity organized and operated for cultural, literary, or educational purposes.

"(2) LIMITATION.—An entity shall not be considered a community-based organization described in this subsection unless, at the time the entity enters into a contract with an institution of higher education for a project under this section, it has demonstrated to the satisfaction of the Secretary that—

"(A) it has the capacity successfully to recruit eligible individuals described in subsection (c) for participation in a project described in subsection (a), consistent with the enrollment requirements in subsection (d)(2)(E);

"(B) it is providing an educational service, social service, or employment procurement service; and

"(C) in the case of an entity that independently manages its own finances, it has been in existence 2 years or more.

"(c) ELIGIBLE INDIVIDUALS.—An eligible individual described in this subsection is an individual who—

"(1) has submitted a satisfactory application to receive postsecondary information technology education recruitment assistance through a project under this section; and

"(2) has a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate.

"(d) DUTIES.—

"(1) INSTITUTIONS OF HIGHER EDUCATION.—An institution of higher education receiving a grant under this section shall use the funds provided under the grant to carry out the following duties:

"(A) Final selection of community-based organizations described in subsection (b) desiring to provide, at one or more sites, in accordance with a contract with the institution of higher education and this section, postsecondary information technology education and employment procurement assist-

ance to eligible individuals described in subsection (c).

"(B) Entering into a contract with each community-based organization selected under subparagraph (A) under which the institution and the organization agree to carry out the duties respectively required of them under this section with respect to each site described in subparagraph (A).

"(C) With respect to each site described in subparagraph (A)—

"(i) design of a process for the recruitment of students from site to enroll in college courses or matriculate in college programs;

"(ii) provision of such funding for the establishment and initial operation of the site as was specified in the grant application submitted by the institution to the Secretary;

"(iii) approval of final site selection and preparation;

"(iv) initial orientation and training of personnel employed to manage and operate the site;

"(v) design and certification of the instructional and academic programs, and oversight of the implementation of the programs;

"(vi) oversight of equipment purchases and contracts for equipment maintenance; and

"(vii) selection of an outside contractor for periodic evaluation of the management and operation of the site.

"(2) COMMUNITY-BASED ORGANIZATIONS.—

"(A) IN GENERAL.—A community-based organization implementing a project under this section with an institution of higher education, at one or more sites, shall carry out the duties described in this paragraph, with respect to each such site, subject to the oversight and guidance of the institution.

"(B) GENERAL DUTIES.—The organization—

"(i) shall undertake final site selection and preparation;

"(ii) shall recruit and hire a site director;

"(iii) shall carry out any supplementary instructional, academic, or educational activities specified in the contract with the institution of higher education that are not described in subparagraph (D);

"(iv) shall assemble an advisory committee composed of individuals residing in the community in which the site is located, as well as industry representatives, who desire to assist the organization in ensuring that the goals of the organization are consistent with the goals and needs of the community population;

"(v) shall provide to the institution other evidence of volunteer support from among individuals residing in the community in which the site is located and industry representatives;

"(vi) shall recruit eligible individuals for enrollment, subject to subparagraph (E);

"(vii) shall maintain waiting lists of eligible individuals desiring to enroll in the project's programs;

"(C) SITE REQUIREMENTS.—The organization shall ensure that each site—

"(i) has a minimum of 20 fully functioning computers with sufficient capacity to perform all of the computer operations that are the subject of the curriculum specified in subparagraph (D);

"(ii) in addition to the space for the computers described in clause (i), has—

"(I) a classroom space with the capacity for seating a minimum of 30 students;

"(II) a separate office for the site director;

"(iii) is real property subject to the control of the organization or the institution, through a lease or other legal instrument, for a period of not less than 5 years;

"(iv) is open to enrolled individuals not less than 12 hours per day; and

"(v) is located within walking distance of public transportation.

"(D) INFORMATION TECHNOLOGY CURRICULUM.—



"(i) IN GENERAL.—The organization shall ensure that each site offers enrollees a curriculum that includes a broad range of course work in information technology.

"(ii) COURSES LEADING TO CERTIFICATION.—Such curriculum shall include course work leading to a certification of competence in areas of information technology recognized by the National Skill Standards Board established under the National Skill Standards Act of 1994.

"(iii) SPECIFIC COURSES.—The computer training offered shall include courses in basic computer competence, on-the-job upgrade assistance, and advanced computer competence.

"(E) ENROLLMENT REQUIREMENTS.—The organization shall ensure that its enrollment of eligible individuals at each site is consistent with the following:

"(i) Not less than 50 percent of the eligible individuals shall be, at the time of enrollment, individuals—

"(I) to whom a credit was allowed under section 32 of the Internal Revenue Code of 1986 for the preceding taxable year;

"(II) who are recipients of assistance under a State program funded under part A of title IV of the Social Security Act;

"(III) who are a member of a household participating in the food stamp program; or

"(IV) who are considered low-income pursuant to regulations promulgated by the Secretary under this section.

"(ii) Not less than 50 percent of the eligible individuals shall be, at the time of enrollment, under 25 years of age.

"(iii) No prerequisite relating to net worth, income, or assets may be applied to any eligible individual who, at the time of enrollment, is over 50 years of age, except that this requirement shall not be construed to supersede clause (i).

"(e) IMPLEMENTATION OF PROJECTS SOLELY BY INSTITUTIONS.—The Secretary may make a grant under this section to an institution of higher education that desires to implement a project under this section without the participation of a community-based organization described in subsection (b), if the institution agrees to carry out all of the duties required of such an organization under this section, in addition to the duties otherwise required of an institution of higher education. The Secretary shall, in awarding grants under this section, give priority to institutions of higher education whose grant application includes an assurance that the institution will contract with one or more community-based organizations in accordance with this section.

"(f) APPLICATIONS.—To apply for a grant under this section for any fiscal year, an institution of higher education shall submit an application to the Secretary in accordance with the procedures established by the Secretary. The application shall specify the institution's preliminary selections for the community-based organizations (if any) with which the institution proposes to contract, and shall include information with respect to preliminary site selections.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$100,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(h) DEFINITIONS.—For purposes of this section:

"(1) ADULT EDUCATION.—The term 'adult education' has the meaning given such term in section 312 of the Adult Education Act.

"(2) COMMUNITY-BASED COLLEGE COMPUTER RECRUITMENT CENTER.—The term 'community-based computer center' means a computer center—

"(A) funded by both the Federal Government and at least one private sector entity;

"(B) located in a low-income community (as determined by the Secretary); and

"(C) organized and operated for the purpose of providing families with access to computer resources that otherwise would not be available to them.

"(3) FOOD STAMP PROGRAM.—The term 'food stamp program' has the meaning given such term in section 3(h) of the Food Stamp Act of 1977.

"(4) LIBRARY.—The term 'library' has the meaning given such term in section 213 of the Library Services and Technology Act.

"(5) MUSEUM.—The term 'museum' has the meaning given such term in section 272 of the Museum and Library Services Act."

H.R. 6

OFFERED BY: MR. PETRI

AMENDMENT NO. 52: Page 156, after line 3, insert the following new section:

**SEC. 416A. MARKET-BASED DETERMINATIONS OF LENDER RETURN.**

Part B of title IV is further amended by inserting immediately after section 427A the following new section:

**"SEC. 427B. MARKET-BASED DETERMINATIONS OF LENDER RETURN.**

**"(a) PILOT PROGRAM.—**

**"(1) APPLICABILITY OF PILOT PROGRAMS.—**Notwithstanding any other provisions of this part, no special allowance or other payment shall be paid under this part with respect to any loan made for periods of instruction beginning on or after July 1, 1999, but before July 1, 2001 pursuant to lending authority auctioned by the Secretary under this subsection, except as provided under the terms of the auctioned lending authority as determined by the Secretary.

**"(2) USE OF AUCTIONS TO APPORTION LENDING AUTHORITY DURING PILOT PROGRAMS.—**

**"(A) AUCTIONS REQUIRED.—**The Secretary shall conduct one or more pilot programs using an auction or other market-based mechanism in accordance with paragraph (3) to allocate the authority to make loans under this part among eligible lenders, or such other rights pertaining to loans made under this part as the Secretary determines appropriate.

**"(B) AMOUNT OF LENDING AUTHORITY AUCTIONED.—**The Secretary shall determine the amount and nature of the lending authority auctioned during the pilot programs under this subsection, except that the lending authority auctioned under the pilot programs shall not exceed 15 percent of the anticipated annual loan volume during the period covered by the pilot programs.

**"(C) TRANSFERABILITY OF LENDING AUTHORITY.—**An eligible lender may transfer any lending authority acquired pursuant to this subsection to another eligible lender upon such terms as may be agreed upon between such lenders, except that the acquiring lender may not extend loans pursuant to such authority except after notice to the Secretary in such form and manner as the Secretary may require by regulation.

**"(D) EXERCISE OF LENDING AUTHORITY.—**The Secretary shall, in accordance with regulation, verify that a lender is not making loans under this paragraph in excess of the amounts of lending authority obtained in accordance with this paragraph. Such regulations shall provide that any lender who acquires, directly or pursuant to subparagraph (C), lending authority that was obtained at auction pursuant to two or more bids of different amounts shall be deemed to exercise such authority in descending order based on the amounts of such bids.

**"(3) CONDUCT OF AUCTION.—**

**"(A) IN GENERAL.—**

**"(i)** The Secretary shall allocate the amount of lending authority determined under paragraph (2) among eligible lenders

submitting bids in descending order by the unit price bid, but permitting each bidding lender to acquire such authority at the unit price bid by the next lower ranking bid, except that the Secretary may establish by regulation a different procedure for the conduct of the auction if the Secretary determines that such procedure will secure more receipts for the United States. The Secretary shall not permit any lender to acquire more than one-third of the amount of the lending authority offered at any auction conducted under this subsection, but a lender shall not be prohibited from acquiring more than such amount pursuant to paragraph (2)(C).

**"(ii)** The Secretary is also authorized to conduct pilot programs under this subsection using such other market-based mechanism for determining the return to lenders under this part as the Secretary determines appropriate.

**"(B) BIDS GREATER THAN ZERO.—**Any lender whose bid is accepted pursuant to subparagraph (A)(i) shall, if such bid is made at a unit price exceeding zero, promptly pay to the Secretary an amount equal to (i) the unit price, multiplied by (ii) the amount of lending authority allocated to such lender. A lender making such a payment shall have no claim to a refund or remuneration based on the lender making loans in an amount that is less than the amount of lending authority obtained.

**"(C) BIDS LESS THAN ZERO.—**The Secretary shall pay to any lender whose bid is accepted pursuant to subparagraph (A)(i), if such bid is made at a unit price that is less than zero, an amount equal to—

**"(i)** the amount by which the unit price is less than zero, multiplied by

**"(ii)** the amount of lending authority that the lender demonstrates, in accordance with regulations prescribed by the Secretary, he has exercised by making and disbursing loans under this part.

**"(D) CONTRACTUAL RIGHT TO PAYMENTS.—**Any lender whose bid is accepted pursuant to subparagraph (A)(i), if such bid is made at a unit price that is less than zero, shall be deemed to have a contractual right against the United States, to receive the payment required by subparagraph (C) in exchange for the lender's satisfactory performance as determined by the Secretary. Such payment shall be made promptly and without administrative delay after receipt of an accurate and complete request for payment, pursuant to procedures established by regulations promulgated under this subsection.

**"(E) PENALTY FOR LATE PAYMENT.—**If a payment required by subparagraphs (C) and (D) has not been made within 30 days after the Secretary has received an accurate, timely, and complete request for payment thereof, the amount payable to such lender shall be increased by an amount equal to the daily interest accruing on the payments due the lender. For such purpose, the daily interest shall be the daily equivalent of the applicable rate of interest determined under section 427A(a)(1).

**"(4) MEASURES TO FACILITATE EXERCISE OF LENDING AUTHORITY DURING PILOT PROGRAM.—**The Secretary shall provide for the establishment of facilities for the communication of information that permits eligible borrowers to be informed of the identity of, and means to contact, lenders holding unexercised lending authority pursuant to this subsection.

**"(b) AUTHORITY FOR PROGRAM-WIDE USE OF MARKET-BASED MECHANISMS.—**

**"(1)(A)** Notwithstanding any other provision of this part, the Secretary is authorized to implement a program-wide system of using market-based mechanisms to determine lender return on loans made under this

part for loans made for periods of instruction on or after July 1, 2001.

"(B) The Secretary shall implement such program-wide system only if the Secretary determines that doing so would be feasible, efficient, include the means to ensure that all eligible students would have access to loans, and be cost-effective when compared to the average program costs for the preceding three years (as adjusted for loan volume).

"(2) Notwithstanding any other provision of this part, if the Secretary does not implement such program-wide system, the applicable interest rate on loans made for periods of instruction on or after July 1, 2001 shall be increased by .25 percent, and lenders' annual rate of return on such loans shall be reduced by .25 percent.

"(c) COORDINATION.—The Secretary shall, by regulation, coordinate the availability of loans pursuant to section 428(j) to the extent necessary—

"(1) to permit lenders to exercise the lending authority secured pursuant to this subsection; and

"(2) to ensure that eligible borrowers obtain loans under this part.

"(d) AUTHORITY TO PREPARE FOR PROGRAMS.—Notwithstanding subsections (a) and (b), the Secretary may, before the dates described in each such subsection—

"(1) prescribe regulations to carry out each such subsection; and

"(2) expend funds appropriated pursuant to this part to carry out activities necessary to the implementation of the programs authorized by each such subsection."

(b) CONFORMING AMENDMENT.—Section 428(j)(1) (20 U.S.C. 1078(j)(1)) is amended by adding at the end the following new sentence: "The availability of loans under this subsection shall be coordinated to the extent necessary in accordance with regulations prescribed by the Secretary under section 427B."

H.R. 6

OFFERED BY: MR. PETRI

AMENDMENT No. 53: Page 192, after line 10, insert the following new section (and conform the table of contents accordingly):

**SEC. 430. MARKET-BASED DETERMINATIONS OF INTEREST SUBSIDIES.**

(a) AMENDMENT.—Section 438 (20 U.S.C. 1087-1) is amended by adding at the end the following new subsection:

"(g) MARKET-BASED DETERMINATIONS OF INTEREST SUBSIDIES.—

"(1) APPLICABILITY.—Notwithstanding the preceding provisions of this section, no special allowance or other payment shall be paid under this section with respect to any loan disbursed on or after July 1, 1999, except as provided pursuant to this subsection.

"(2) USE OF AUCTIONS TO APPORTION LENDING AUTHORITY.—

"(A) AUCTIONS REQUIRED.—The Secretary shall conduct an auction in accordance with paragraph (3) to allocate the authority to make loans under this part among eligible lenders for any academic year. The Secretary shall estimate the amount of lending authority that will be required by eligible students for such an academic year, and shall by auction allocate such amount, plus a reasonable margin for unexpected loan demand.

"(B) LENDING AUTHORITY REQUIRED.—A lender may not make a loan under this part that is disbursed on or after July 1, 1999, except pursuant to an allocation of lending authority pursuant to this paragraph.

"(C) TRANSFERABILITY OF LENDING AUTHORITY.—An eligible lender may transfer any lending authority acquired pursuant to this subsection to another eligible lender upon such terms as may be agreed upon between such lenders, except that the acquiring lender

may not extend loans pursuant to such authority except after notice to the Secretary in such form and manner as the Secretary may require by regulation.

"(D) EXERCISE OF LENDING AUTHORITY.—The Secretary shall, by regulation, provide for verification that a lender is not making loans under this part in excess of the amounts of lending authority obtained in accordance with this paragraph. Such regulations shall provide that any lender who acquires, directly or pursuant to subparagraph (C), lending authority that was obtained at auction pursuant to two or more bids of different amounts shall be deemed to exercise such authority in descending order based on the amounts of such bids.

"(3) CONDUCT OF AUCTION.—

"(A) IN GENERAL.—The Secretary shall allocate the amount of lending authority determined under paragraph (2)(A) among eligible lenders submitting bids in descending order by the unit price bid, but permitting each bidding lender to acquire such authority at the unit price bid by the next lower ranking bid, except that the Secretary may establish by regulation a different procedure for the conduct of the auction if the Secretary determines that such procedure will secure more receipts for the United States. The Secretary shall not permit any lender to acquire more than one-third of the amount of the lending authority offered at any auction conducted under this subsection, but a lender shall not be prohibited from acquiring more than such amount pursuant to paragraph (2)(C).

"(B) BIDS GREATER THAN ZERO.—Any lender whose bid is accepted pursuant to subparagraph (A) shall, if such bid is made at a unit price exceeding zero, promptly pay to the Secretary an amount equal to (i) the unit price, multiplied by (ii) the amount of lending authority allocated to such lender. A lender making such a payment shall have no claim to a refund or remuneration based on the lender making loans in an amount that is less than the amount of lending authority obtained.

"(C) BIDS LESS THAN ZERO.—The Secretary shall pay to any lender whose bid is accepted pursuant to subparagraph (A), if such bid is made at a unit price that is less than zero, an amount equal to—

"(i) the amount by which the unit price is less than zero, multiplied by

"(ii) the amount of lending authority that the lender demonstrates, in accordance with regulations prescribed by the Secretary, has exercised by making and disbursing loans under this part.

"(D) CONTRACTUAL RIGHT OF HOLDERS TO SPECIAL ALLOWANCE.—Any lender whose bid is accepted pursuant to subparagraph (A), if such bid is made at a unit price that is less than zero, shall be deemed to have a contractual right against the United States, to receive the payment required by subparagraph (C). Such payment shall be made promptly and without administrative delay after receipt of an accurate and complete request for payment, pursuant to procedures established by regulations promulgated under this subsection.

"(E) PENALTY FOR LATE PAYMENT.—If a payment required by subparagraphs (C) and (D) has not been made within 30 days after the Secretary has received an accurate, timely, and complete request for payment thereof, the amount payable to such lender shall be increased by an amount equal to the daily interest accruing on the payments due the lender. For such purpose, the daily interest shall be the daily equivalent of the applicable rate of interest determined under section 427A(a)(1).

"(4) MEASURES TO FACILITATE EXERCISE OF LENDING AUTHORITY.—

"(A) INFORMATION.—The Secretary shall provide for the establishment of facilities for the communication of information that permits eligible borrowers to be informed of the identity of, and means to contact, lenders holding unexercised lending authority pursuant to this subsection.

"(B) COORDINATION.—The Secretary shall, by regulation, coordinate the availability of loans pursuant to section 428(j) to the extent necessary—

"(i) to permit lenders to exercise the lending authority secured pursuant to this subsection; and

"(ii) to ensure that eligible borrowers obtain loans under this part.

"(5) AUTHORITY TO PREPARE FOR PROGRAM.—Notwithstanding paragraph (1), the Secretary may, before July 1, 1999—

"(A) prescribe regulations to carry out this subsection; and

"(B) expend funds appropriated pursuant to this part to carry out activities necessary to the implementation of the programs authorized by this subsection."

(b) CONFORMING AMENDMENT.—Section 428(j)(1) (20 U.S.C. 1078(j)(1)) is amended by adding at the end the following new sentence: "The availability of loans under this subsection shall be coordinated in accordance with regulations prescribed by the Secretary under section 438(g)(5)."

H.R. 6

OFFERED BY: MR. ROEMER

AMENDMENT No. 54: Page 172, after line 22, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(c) ADDITIONAL ANNUAL LOAN LIMIT FLEXIBILITY.

(1) IN GENERAL.—Section 428H(d)(2) is amended—

(A) by striking subparagraph (C); and

(B) by inserting after subparagraph (B) the following new subparagraphs:

"(C) notwithstanding subparagraph (A) and (B), in the case of such a student who is pursuing a program of study at an eligible institution leading to the baccalaureate degree—

"(i) \$7,200 if such student is enrolled in a program whose length is at least 1 academic year (as determined under section 481);

"(ii) \$4,500 if such student is enrolled in a program whose length is less than 1 academic year, but at least  $\frac{2}{3}$  of such an academic year; and

"(iii) \$2,700 if such student is enrolled in a program whose length is less than  $\frac{2}{3}$ , but at least  $\frac{1}{3}$ , of such an academic year;

"(D) in the case of such a student who is a graduate or professional student enrolled at an eligible institution, an amount not to exceed the student's estimated cost of attendance (as determined under section 472), less the sum of—

"(i) any loan for which the student is eligible under section 428; and

"(ii) an estimate of any financial assistance reasonably available to such student."

(2) DEPENDENT STUDENTS AMENDMENT.—Section 428H(d) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) ANNUAL LIMITS FOR DEPENDENT STUDENTS.—Notwithstanding paragraph (2), in the case of a dependent student who is enrolled in a program leading to the baccalaureate degree whose length is at least 1 academic year (as determined under section 481), the maximum annual amount of loans under this section such a student may borrow in any academic year or its equivalent or in any period of 7 consecutive months, whichever is longer, shall be the amount determined under paragraph (1) plus \$1,500."

(3) CONFORMING AMENDMENT.—Section 428H(d)(1) is amended by striking “paragraphs (2) and (3)” and inserting “paragraphs (2), (3), and (4)”.

(4) EFFECTIVE DATE.—The amendments made by this section shall apply to loans made for periods of instruction beginning after July 1, 1998.

H.R. 6

OFFERED BY: MR. SANDERS

AMENDMENT NO. 55: Page 56, after line 18, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

“(5) cooperation between institutions to encourage cost saving initiatives through joint purchase of goods and services, and shared use of facilities and faculty resources.”

H.R. 6

OFFERED BY: MR. SANDERS

AMENDMENT NO. 56: Page 94, strike lines 12 through 16 and insert the following:

“(i) \$5,000 for academic year 1999–2000,

“(ii) \$5,200 for academic year 2000–2001,

“(iii) \$5,400 for academic year 2001–2002,

“(iv) \$5,600 for academic year 2002–2003, and

“(v) \$5,800 for academic year 2003–2004,

H.R. 6

OFFERED BY: MR. SERRANO

AMENDMENT NO. 57: Page 271, strike line 14 and insert the following:

“(A)(i) is an eligible institution; or

“(ii) is an institution of higher education (as such term is defined in section 101(a)(2)) that provides a 4-year baccalaureate program, is regionally accredited, and serves at least 1,500 Hispanic students;

H.R. 6

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 58: Page 334, after line 19, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

**SEC. 806. STUDY OF CONSOLIDATION OPTIONS.**

No later than 2 years after the date of enactment of this Act, the Secretary shall report to Congress on the desirability and feasibility of possible new Federal efforts to assist individuals who have substantial alternative student loans (other than direct student loans and federally guaranteed student loans) to repay their student loans. The re-

port shall include an analysis of the extent to which the high monthly payments associated with such loans deter such individuals from jobs (including public-interest and public-service jobs) with lower salaries than the average in relevant professions. The report shall include an analysis of the desirability and feasibility of allowing the consolidation of alternative student loans held by such individuals through the Federal student loan consolidation program or the use of other means to provide income-contingent repayment plans for alternative student loans.

H.R. 6

OFFERED BY: MR. SOUDER

AMENDMENT NO. 59: Page 237, strike lines 4 through 10 and insert the following:

“(2) REHABILITATION.—A student whose eligibility has been suspended under paragraph (1) may resume eligibility before the end of the period determined under such paragraph if the student satisfactorily completes a drug rehabilitation program that complies with such criteria as the Secretary shall prescribe for purposes of this paragraph and that includes two unannounced drug tests.